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STATUTES

OF THE

PROVINCE OF ONTARIO,

TORONTO LIBRARY

84

PASSED IN THE SESSION HELD IN THE
THIRTY-FOURTH YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA,

BEING THE FOURTH SESSION OF THE FIRST PARLIAMENT OF ONTARIO,

BEGUN AND HOLDEN AT TORONTO, ON THE SEVENTH DAY OF DECEMBER, IN THE
YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY.

1870/71

1870



212042
9.5.27

HIS EXCELLENCY
THE HONOURABLE WILLIAM PEARCE HOWLAND, C.B.,
LIEUTENANT-GOVERNOR.

Toronto:
PRINTED BY JOHN NOTMAN,
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

ANNO DOMINI 1871.



ANNO TRICESIMO-QUARTO.

VICTORIÆ REGINÆ.

CAP. I.

An Act for granting to Her Majesty certain sums of money required for defraying the expenses of Civil Government for the year one thousand eight hundred and seventy-one, for making good certain sums expended for the Public Service in the years one thousand eight hundred and and sixty-nine and one thousand eight hundred and seventy, and for other purposes.

[Assented to 15th February, 1871.]

MOST GRACIOUS SOVEREIGN :

WHEREAS it appears by a message from His Excellency the Honourable William Pearce Howland, C.B., Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter in the schedules "A" and "B" to this Act mentioned, are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes, for the year one thousand eight hundred and seventy-one, and to make good certain expenditures in the years one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy; May it therefore please your Majesty that it may be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows :—

1. From and out of the Consolidated Revenue Fund of this Province there shall and may be paid and applied a sum (not exceeding in the whole) of two millions six hundred and two thousand five hundred and sixty dollars and seven cents for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand eight hundred

Preamble.
\$2,602,560.07
appropriated
out of Con.
Rev. Fund,
for expenses of
Civil Govern-
ment, etc. for
1871.
dred

dred and seventy-one, and for other purposes, as set forth in Schedule "A" to this Act annexed; Provided always, that any appropriation which shall be unexpended on the thirty-first day of December, one thousand eight hundred and seventy-one, shall become void and of no effect.

\$49,884 49 to
make good cer-
tain expendi-
tures made in
1869 and 1870.

2. There shall be charged to the Consolidated Revenue Fund of this Province the sum of forty-nine thousand eight hundred and eighty-four dollars and forty-nine cents to make good certain payments and expenditures made and expended by the Treasurer on account of the public service of this Province, as set forth in Schedule "B" to this Act annexed.

Accounts to be
laid before
Parliament.

3. Accounts in detail of all moneys received on account of this Province and of all expenditures under this Act shall be laid before the Legislative Assembly at its next session.

Account to
Her Majesty.

4. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

SCHEDULE "A."

SUMS granted to Her Majesty by this Act for the year 1871, and the purposes for which they are granted.

SERVICE.	Amonnt.	Total.
	\$ cts.	\$ cts.
CIVIL GOVERNMENT.		
<i>The Salaries and Contingencies of the several Departments at Toronto:—</i>		
Government House, Toronto	3,987 00	
Lieutenant-Governor's Office	2,545 56	
Executive Council Office	1,715 00	
Attorney-General's Office	8,424 65	
Treasury Department	11,561 66	
Secretary and Registrar's Office, and Registrar General's Office	19,691 67	
Department of Agriculture and Public Works	13,661 67	
Crown Lands Department	40,005 00	
Miscellaneous	20,580 00	
Total Civil Government.....		122,172 21
LEGISLATION.		
Total for salaries, contingencies and other expenses, as per details given in the Estimates for 1871.....		146,194 68
COLONIZATION ROADS.		
Total for construction and repairs		60,000 00
ADMINISTRATION OF JUSTICE.		
Court of Chancery.....	16,766 66	
Court of Queen's Bench	6,610 00	
Court of Common Pleas	4,410 00	
Court of Error and Appeal.....	10,050 00	
Criminal Justice.....	120,000 00	
Miscellaneous Justice	39,100 00	
Total Administration of Justice.....		196,936 66
PUBLIC WORKS AND BUILDINGS.		
<i>Capital Account.</i>		
Lunatic Asylum, London	70,144 29	
Lunatic Asylum, Toronto	32,977 17	
Deaf and Dumb Institute, Belleville.....	11,722 45	
Blind Institute.....	70,466 06	
Reformatory, Pentanguishene	6,409 05	
Court House and Gaol, Sault Ste. Marie	875 58	
Agricultural College and farm	100,000 00	
College of Technology or School of Industrial Science.....	50,000 00	
Central Prison	150,000 00	
Asylum for Adult Idiots	10,000 00	
Normal and Model Schools	12,600 00	
Parliament and Departmental Buildings.....	2,500 00	
Carried forward.....	517,694 60	525,303 55

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>	517,694 60	525,303 55
PUBLIC WORKS AND BUILDINGS (Capital Account).—Continued.		
Lock on Rosseau River, Muskoka.....	16,253 87	
Lock at Young's Point, Peterboro'.....	439 60	
Lock between Balsam and Cameron Lakes.....	15,833 13	
Improvement of Navigation, Scugog River.....	11,959 39	
Cut between Lakes Joseph and Rosseau.....	3,205 70	
Washago and Gravenhurst Road.....	8,296 57	
Improvement of Navigation, Pigeon River.....	5,000 00	
Improvement of Navigation, Sydenham River.....	2,000 00	
Improvement of Navigation, Nottawasaga River.....	6,000 00	
Kaministiquia River, Thunder Bay.....	6,000 00	
Surveys and Drainage of Swamp Lands.....	153,628 21	
Portage du Fort Bridge (on condition that Quebec contributes \$4,000, and the Dominion of Canada \$8,000 towards the construction of said bridge).....	4,000 00	
Total Public Works and Buildings (capital account).....		750,311 07
MISCELLANEOUS PUBLIC WORKS.		
To encourage the settlement of Free Grant Lands, to be reimbursed by actual settlers.....	20,000 00	
Surveys, inspections, arbitrations, awards, and charges not otherwise provided for.....	5,000 00	
Lock-masters at Lindsay, Young's Point and Rosseau River, salaries.....	300 00	
Total Miscellaneous Public Works.....		25,300 00
ASYLUM MAINTENANCE.		
Provincial Lunatic Asylum, Toronto.....	80,110 00	
Lunatic Asylum, London.....	56,000 00	
Do Rockwood.....	47,190 00	
Do Orillia.....	21 32	
Deaf and Dumb Institute.....	19,650 00	
Total for Asylum Maintenance.....		202,971 32
REFORMATORY.		
Total for maintenance, as per details in Estimates for the year 1871.....		21,710 00
AGRICULTURE AND ARTS.		
Electoral Division Societies, 73 at \$700.....	51,100 00	
Do 1 at 550.....	550 00	
Do 7 at 350.....	2,450 00	
Fruit Growers' Association.....	500 00	
Entomological Society.....	500 00	
Agricultural Association.....	10,000 00	
Mechanics' Institutes.....	10,000 00	
Total for Agriculture and Arts.....		75,100 00
IMMIGRATION.		
Total for this service.....		30,000 00
<i>Carried forward</i>		1,630,695 94

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>		1,630,695 94
HOSPITALS AND CHARITIES.		
(Upon condition that each Institution shall have returned to the Provincial Secretary such particulars for the year 1870, as may be required in the form furnished by him.)		
Aid to Toronto Hospital	6,400 00	
Do for County Patients	4,800 00	
" House of Industry, Toronto.....	2,900 00	
" Protestant Orphans' Home and Female Aid Society, Toronto	640 00	
" Roman Catholic Orphan Asylum, Toronto	640 00	
" Lying-in-Hospital do	480 00	
" Magdalen Asylum do	480 00	
" House of Providence do	320 00	
" Girls' Home and Public Nursery do	320 00	
" Boys' Home do	320 00	
" Eye and Ear Infirmary do	1,000 00	
" General Hospital, Kingston	4,800 00	
" House of Industry and Refuge for Indigent Sick, Kingston	2,400 00	
" Orphans' Home do	640 00	
" Hotel-Dieu Hospital do	800 00	
" General Hospital, London	2,400 00	
" City Hospital, Hamilton.....	4,800 00	
" Roman Catholic Orphan Asylum, Hamilton.....	640 00	
" Orphan Asylum and Ladies' Benevolent Society, Hamilton	640 00	
" Protestant Hospital, Ottawa.....	1,200 00	
" Roman Catholic Hospital, Ottawa	1,200 00	
" St. Patrick's Orphan Asylum, Ottawa.....	480 00	
" Protestant Orphan Asylum do	480 00	
" St. Joseph's Orphan Asylum do	480 00	
" General Hospital, St. Catharines.....	1,000 00	
Total for Hospitals and Charities		40,260 00
LITERARY AND SCIENTIFIC INSTITUTIONS.		
Aid to Canadian Institute, Toronto	750 00	
Do do Ottawa	300 00	
Do Athenæum, do	300 00	
Total for Literary and Scientific Institutions.....		1,350 00
EDUCATION.		
Public and Separate Schools	175,000 00	
Poor Schools.....	6,000 00	
For the Encouragement of Agricultural Instruction	5,000 00	
Normal and Model School, Salaries	13,842 00	
Do do Contingencies	6,040 00	
High Schools	70,000 00	
Libraries, Apparatus, and Prizes	35,000 00	
Depository, Salaries	3,405 00	
Do Contingencies	1,710 00	
Superannuated Teachers	6,500 00	
Museum.....	3,850 00	
Journal of Education.....	2,390 00	
High School Inspection	4,000 00	
Public School Inspection	22,500 00	
Collegiate Institutes	7,500 00	
Education Office, Salaries.....	12,013 00	
Do Contingencies	4,555 00	
Total for Education.....		380,305 00
<i>Carried forward</i>		2,052,610 94

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>		2,052,610 94
UNFORESEEN AND UNPROVIDED.		
To meet unforeseen and unprovided expenses.....		20,000 00
MISCELLANEOUS.		
To reimburse John McLay, for costs incurred by him <i>in re</i> Hammond.....	1,097 46	
Towards defraying the expenses of the Volunteers attending the Wimbledon Rifle Match.....	1,000 00	
In aid of the Ontario Rifle Association.....	500 00	
In aid of the sufferers by the Ottawa fires.....	25,000 00	
In aid of the sufferers by the Saguenay fires.....	5,000 00	
Expenses of Arbitration—for printing and assistance in making up returns respecting Woods and Forests during the conti- nuance of the Union, and other services.....	1,500 00	
Total Miscellaneous.....		34,097 46
CHARGES ON REVENUE.		
Miscellaneous.....	3,700 00	
Crown Lands Expenditure.....	115,400 00	
Boundary Survey.....	15,000 00	
Total Charges on Revenue.....		134,100 00
MUNICIPALITIES' FUND.		
Collections from sales of the Clergy Reserves in 1870.....	\$88,634 25	
Less 20 per cent. cost of management.....	17,268 85	
Total for Municipalities' Fund.....		71,365 40
LAND IMPROVEMENT FUND.		
Moneys collected from the sale of Crown Lands be- tween 1st day of July, 1867, and 30th June, 1870.....	\$251,139 54	
Less—4-5, leaving 1-5 to the Land Im- provement Fund.....	200,911 63	
	50,227 91	
Less—20 per cent. for cost of collection and management.....	10,045 58	
		40,182 33
Moneys collected from the sale of Common School Lands between the 1st day of July, 1867, and the 30th day of June, 1870.....	266,174 40	
Less—6 per cent for the sale and manage- ment.....	15,970 46	
	250,203 94	
$\frac{1}{2}$ to the Land Improvement Fund.....		62,550 98
Total for Land Improvement Fund.....		102,733 31
<i>Carried forward</i>		2,414,907 11

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>		2,414,907 11
COMMON SCHOOL FUND.		
Moneys collected for the sale of Common School Lands from the 1st day of July, 1867, to the 30th day of June, 1870.....	266,174 40	
Less—6 per cent for sale and management...	15,970 46	
	250,203 94	
Less— $\frac{1}{4}$ for Land Improvement Fund.....	62,550 98	
Total to be added to the Common School Fund.....		187,652 96
Total.....		\$2,602,560 07

SCHEDULE "B."

SUMS granted to Her Majesty by this Act, to make good certain payments and expenditures, for the years 1869 and 1870, and a statement of the purposes for which they were granted.

S E R V I C E .	Amount.	Total.
	\$ cts.	\$ cts.
SERVICES OF 1869.		
<i>To cover amounts expended in excess of appropriations, as per Public Accounts:—</i>		
Balance to be provided for in 1871, to complete services in 1869, as per Statement No. 24 in the Public Accounts of 1869.....		4,095 39
SERVICES OF 1870.		
CIVIL GOVERNMENT.		
Government House.....	819 33	
Lieutenant-Governor's Office.....	65 81	
MISCELLANEOUS.		
Inspector of Prisons.....	86 39	
Auditor.....	16 18	
Gazette.....	355 85	
LEGISLATION.		
Stationery.....	1,047 99	
Library.....	107 21	
MISCELLANEOUS JUSTICE.		
Salary of Stipendiary Magistrate at Parry Sound.....	817 77	
COURT OF QUEEN'S BENCH.		
Cleaning, &c.	22 65	
PUBLIC WORKS AND BUILDINGS.		
Toronto Lunatic Asylum.....	2,221 09	
Government House.....	4,865 46	
ASYLUM MAINTENANCE.		
Deaf and Dumb Institute.....	219 03	
London Lunatic Asylum.....	19,145 43	
IMMIGRATION.		
On account of this service.....	7,387 65	
<i>Carried forward</i>	37,177 84	4,095 39

SERVICE.	Amount.	Total.
	8 cts.	\$ cts.
Brought forward	37,177 84	4,093 39
EDUCATION.		
Normal School, Salaries	20 00	
Do Contingencies	457 74	
Depository do	598 27	
Education Office do	599 98	
CHARGES ON REVENUES.		
Arbitration	6,120 27	
Law Stamp Safes	815 00	45,789 10
Total		49,884 49

CAP. II.

An Act in aid of Railways.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS it is expedient to give aid towards the construction of railways leading to or through sections of the country remote from existing thoroughfares, or passing through thinly settled tracts, or leading to the Free Grant Territory, or to the inland waters; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

“Railway Fund” formed from Consolidated Revenue Fund.

1. For the purposes aforesaid the sum of one million five hundred thousand dollars shall be set apart from and out of the Consolidated Revenue Fund of this Province, and form a fund to be designated and known as the “Railway Fund.”

Lieutenant-Governor in Council may grant aid to certain railways.

2. From and out of the said Railway Fund the Lieutenant-Governor in Council may, by order in Council, authorize payments to be made from time to time to any incorporated railway company of a sum or sums of not less than two thousand dollars per mile nor more than four thousand dollars per mile of any portion or portions of such railway, and that any of such payments may be made after the Commissioner of Agriculture and Public Works shall have reported, for the information of the Lieutenant-Governor in Council, that such company has completed such portion of its road in respect of which payment is to be made, including sidings and stations, within the period for completion of the road named in the Act or Acts relating thereto; Provided, that no payment shall be made under any such authority till the said Commissioner shall have reported as aforesaid.

Proviso.

Proof to be furnished by railway asking aid.

3. No such authority shall be given in respect of any portion of a railway for the construction of which portion a contract has been entered into prior to the seventh day of December, in the year of our Lord one thousand eight hundred and seventy, nor until the company desirous of obtaining aid and payment out of the said Railway Fund, shall have furnished proof, to the satisfaction of the Lieutenant-Governor in Council, that the *bona fide* subscribed capital of the company, together with any bonuses or loans by municipal corporations thereto, and the proceeds of bonds to be issued or authorized by the Act incorporating the company or any Act amending the same, leaves no reasonable doubt that such road, or portion or portions thereof in respect of which payment is to be made, shall be commenced and completed, including sidings and station houses, so as to be ready for the rolling stock within the period mentioned in such Act or Acts for completion of the railway

railway; and that any such Act or Acts authorizes the construction of a railway as referred to in the preamble of this Act.

CAP. III.

An Act for amending the law relating to Election Petitions and for providing more effectually for the prevention of corrupt practices at Elections for the Legislative Assembly of Ontario.

[Assented to 15th February, 1871.]

WHEREAS it is expedient to amend the law relating to the trial of Election Petitions, and to provide more effectually for the prevention of corrupt practices at Elections for the Legislative Assembly of Ontario; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited for all purposes as “The Contro- Short title of
verted Elections Act of 1871.” Act.

2. The expression, “The Court” shall for the purposes of this Act mean the Court of Queen’s Bench in Ontario; and such Court shall, subject to the provisions of this Act, have the same powers, jurisdiction and authority with reference to an Election Petition and the proceedings thereon, as it would have if such petition were an ordinary cause within its jurisdiction, Definition of
the word
“Court.”
Jurisdiction.

3. The following terms shall in this Act have the meaning hereinafter assigned to them, unless there is something in the context repugnant to such construction, (that is to say:)

“Member” shall mean a member of the Legislative Assembly of Ontario; “Member.”

“Election,” shall mean an election of a member to serve in the Legislative Assembly of Ontario; “Election.”

“Division,” shall mean an electoral division returning a member; “Division.”

“Candidate,” shall mean any person elected to serve as a member, and any person who has been nominated as or declared himself a candidate at an election; “Candidate.”

“Corrupt practices,” or “corrupt practice,” shall mean bribery practices,” or

"corrupt practice."

bribery and undue influence, and illegal and prohibited Acts in reference to elections—or any of such offences—as defined by Act of the Legislature ;

"Rules of Court."

"Rules of Court," shall mean rules to be made as hereinafter mentioned ;

"Prescribed."

"Prescribed," shall mean "prescribed by the rules of Court."

"The Speaker."

4. For the purposes of this Act the expression "The Speaker," shall mean the Speaker of the Legislative Assembly ; and when the office of Speaker is vacant the Clerk of the Legislative Assembly, or any other officer for the time being, performing the duties of the Clerk of the Legislative Assembly, shall be deemed to be substituted for and included in the expression "the Speaker."

To and by whom election petition may be presented,

5. From and after the passing of this Act a petition complaining of an undue return, or undue election of a member, may be presented to the Court by any one or more of the following persons ;

by voters,

(1.) Some person who voted, or who had a right to vote, at the election to which the petition relates ; or

by persons claiming to be elected,

(2.) Some person claiming to have had a right to be returned or elected at such election ; or

by candidates.

(3.) Some person alleging himself to have been a candidate at such election ;

What are election petitions.

And such petition is hereinafter referred to as an election petition.

Presentation of petitions.

6. The following enactments are made with respect to the presentation of an election petition under this Act ;

Form of petition, and by whom to be signed.

(1.) The petition shall be in such form, and state such matters as shall be prescribed, and shall be signed by the petitioner or all the petitioners, if there be more than one ;

Petition when to be presented ;

(2.) The petition shall be presented within twenty-one days after the return has been made to the Clerk of the Crown in Chancery of the member to whose election the petition relates, unless it question the return or election upon an allegation of corrupt practices, and specifically alleges a payment of money or other act of bribery to have been committed by the member, or on his account, or with his privity, since the time of such return, in pursuance or in furtherance of such corrupt practices, in which case the petition may be presented at any time within twenty-eight days after the date of such payment or acts committed ;

(3.)

(3.) Presentation of a petition shall be made by delivering it and to whom. to the Clerk of the Court, or otherwise dealing with the same in manner prescribed ;

(4.) At the time of the presentation of the petition, or within Security for costs. three days afterwards, security for the payment of all costs, charges and expenses that may become payable by the petitioner,

(a.) To any person summoned as a witness on his behalf, or

(b.) To the member whose election or return is complained of (who is hereinafter referred to as the respondent), shall be given on behalf of the petitioner ;

(5.) The security shall be to an amount of eight hundred dollars ; it shall be given either by recognizance to be entered into by any number of sureties not exceeding four, or by a deposit of money in manner prescribed, or partly in one way and partly in the other.

7. On presentation of the petition, the Clerk of the Court shall send a copy thereof by mail to the Returning Officer of the division to which the petition relates, who shall forthwith publish the same in the division. Copy of petition to be sent to Returning Officer, who shall publish the same.

8. Notice of the presentation of a petition under this act and the nature of the proposed security accompanied with a copy of the petition shall, within five days after the day on which the security is given, or within such longer time as the Court may, under special circumstances of difficulty in effecting service allow, be served by the petitioner on the respondent, and it shall be lawful for the respondent where the security is given wholly or partially by recognizance, within five days from the day of the service on him of the notice, to object in writing to such recognizance on the ground that the sureties or any of them are insufficient, or that a surety is dead, or that he cannot be found or ascertained from the want of a sufficient description in the recognizance, or that a person named in the recognizance has not duly acknowledged the same. Serving petition on Respondent. Notice of objection to security.

9. Any objection made to the security given shall be heard and decided on in the prescribed manner :—If an objection to the security is allowed, it shall be lawful for the petitioner, within five days after the day of such allowance, to remove such objection by a deposit in the prescribed manner of such sum of money as may be deemed by the Court or officer having cognizance of the matter proper to make the security sufficient. If on objection made the security is decided to be insufficient, and such objection is not removed in manner hereinbefore mentioned, no further proceedings shall be had on the petition ; otherwise, on the expiration, without objection made, of the time limited for making Objections to security, how heard and decided. Removal of objections. If objections allowed are not removed, proceedings to cease. When petition is at issue.

making objections, or after objection made, on the sufficiency of the security being established, the petition shall be deemed to be at issue.

Clerk of the Court to make out the election list of petitions at issue.

Order in which petitions shall be tried.

10. The Clerk of the Court shall, as soon as may be, make out a list of all petitions presented under this Act, and which are at issue, placing them in the order in which they were presented, and shall keep at his office a copy of such list, hereinafter referred to as the election list, open to the inspection of any person making application. Such petitions, as far as conveniently may be, shall be tried in the order in which they stand in such list.

TRIAL OF A PETITION.

Trial of petitions.

11. The following enactments are made with respect to the trial of Election Petitions under this Act.

Petitions to be tried by a Judge chosen from each Court.

(1.) The trial of every election petition shall be conducted before a Judge of one of the Courts of Queen's Bench, Chancery or Common Pleas of Ontario, to be selected from a *rota* to be formed as hereinafter mentioned.

Manner of placing the Judge on the *rota*.

(2.) The members of each of the said Courts respectively shall, in Hilary Term, in the year of our Lord one thousand eight hundred and seventy-one, select by a majority of votes of the members of the Court, one of the Judges of such Court to be placed on the *rota* for the trial of election petitions during that year, and shall on or before the third day of Michaelmas Term in every year, select by a majority of votes of the members of the Court, one of the Judges of such Court to be placed on the *rota* for the trial of election petitions during the then ensuing year.

A Judge re-eligible.

(3.) Any Judge placed on the *rota* shall be re-eligible in the succeeding or any subsequent year.

Filling up vacancies on the *rota*.

(4.) In the event of the death or illness of any Judge for the time being on the *rota*, or his inability to act for any reasonable cause, the Court to which he belongs shall fill up the vacancy by placing on the *rota* another Judge of the same Court.

Manner in which the trial shall be taken by the Judges.

(5.) The Judges for the time being on the *rota* shall according to their seniority respectively try the election petitions standing for trial under this Act, unless they otherwise agree among themselves, in which case the trial of each election petition shall be taken in manner provided by such agreement.

When the number of Judges on the *rota* may be increased.

(6.) When it appears to the Judges on the *rota*, after due consideration of the list of petitions under this Act for the time being at issue, that the trial of such election petitions will be inconveniently delayed, unless an additional Judge or Judges be

be appointed to assist the Judges on the *rota*, each of the said Courts of Queen's Bench, Chancery and Common Pleas, in the order named, shall, on the requisition of such Judges on the *rota*, and to the number of the additional Judges required, select, in manner hereinbefore provided, one of the Judges of the Court, to try election petitions for the ensuing year; and any Judge so selected shall, during that year, be deemed to be on the *rota* for the trial of election petitions.

12. Every petition shall, except where it raises a question of law for the determination of the Court, as herein mentioned, be tried by one of the Judges hereinbefore provided, in that behalf mentioned (hereinafter referred to as the Judge), sitting in open Court without a jury. Judge to try petitions without a jury.

13. Notice of the time and place, at which an election petition will be tried, shall be given not less than fourteen days before the day on which the trial is to take place in the prescribed manner. Notice of trial.

14. The trial of an election petition shall take place in the division, the election or return for which is in question; Provided always, that if it shall appear to the Court that special circumstances exist, which render it desirable that the petition should be tried elsewhere than in the division, it shall be lawful for the Court to appoint such other place for the trial as shall appear most convenient. Where the trial shall take place.

15. The Judge at the trial may adjourn the same from time to time, and from any one place to any other place within the division, as to him may seem expedient. Judge may adjourn the trial.

16. At the conclusion of the trial, the Judge who tried the petition shall determine whether the member, whose election or return is complained of, or any and what other person was duly returned or elected, or whether the election was void, and shall forthwith certify, in writing, such determination to the Speaker, appending thereto a copy of his notes of the evidence, and upon such certificate being given, such determination shall be final to all intents and purposes. Judge to determine the issue, and give certificate of such determination, with copy of his notes to the Speaker.

17. When any charge is made in an election petition of any corrupt practice having been committed at the election to which the petition refers, the Judge shall, in addition to such certificate, and at the same time, report in writing to the Speaker as follows: Report of Judge where charge is made of corrupt practice.

(a.) Whether any corrupt practice has or has not been proved to have been committed by or with the knowledge and consent of any, and which candidate at such election, and the nature of such corrupt practice;

B

(b.)

(b.) The names of any persons who have been proved, at the trial, to have been guilty of any corrupt practice ;

(c.) Whether corrupt practices have, or whether there is reason to believe that corrupt practices have extensively prevailed at the election to which the petition relates.

Special report
of Judge.

18. The Judge may at the same time make a special report to the Speaker as to any matters arising in the course of the trial, an account of which, in his judgment, ought to be submitted to the Legislative Assembly.

When Court
may order a
special case.

19. When upon the application of any party to a petition, duly made to the Court, it appears to the Court that the case raised by the petition can be conveniently stated as a special case, the Court may direct the same to be stated accordingly, and any such special case shall be, as far as may be, heard before the Court, and the decision of the Court shall be final, and the Court shall certify to the Speaker its determination in reference to such special case ; Provided always,

Questions of
law reserved at
the trial.

20. If it shall appear to the Judge on the trial of the said petition that any question or questions of law as to the admissibility of evidence, or otherwise, require further consideration by the Court, then it shall be lawful for the said Judge to postpone the granting of the said certificate until the determination of such question or questions by the Court, and for this purpose to reserve any such question or questions in like manner as questions are usually reserved by a Judge on a trial at *Nisi Prius*.

The Speaker to
communicate
Judge's report
to the Legisla-
tive Assembly.

Proceedings
thereupon.

21. The Speaker shall, at the earliest practicable moment after he receives the certificate, and report or reports, (if any), of the Court or Judge, communicate the same to the Legislative Assembly, and the Legislative Assembly shall forthwith thereafter order the same to be entered on its journals and give the necessary directions for confirming or altering the return, or for issuing a writ for a new election, or for carrying the determination into execution as circumstances may require.

Order of Legis-
lative Assem-
bly upon
Judge's special
report.

22. Where the Judge makes a special report, the Legislative Assembly may make such order in respect of such special report as they think proper.

When evi-
dence of im-
proper practice
may be receiv-
ed.

23. Unless the Judge otherwise direct any charge of a corrupt practice may be gone into, and evidence in relation thereto received, before any proof has been given of agency on the part of any candidate in respect of such corrupt practice.

Certain cir-
cumstances
not to stop
trial.

24. The trial of an election petition under this Act shall be proceeded with, notwithstanding the acceptance by the respon-
dent

dent of an office of profit under the Crown, or his resignation of the seat.

25. The trial of an election petition under this Act shall be proceeded with notwithstanding the prorogation of the Legislative Assembly. Prorogation not to stop trial.

PROCEEDINGS.

26. An election petition under this Act shall be served as nearly as may be in the manner in which a writ of summons is served, or in such other manner as may be prescribed. Service.

27. Two or more candidates may be made respondents to the same petition, and their case may, for the sake of convenience, be tried at the same time; but for all the purposes of this Act, such petition shall be deemed to be a separate petition against each respondent. Joint respondents to petition.

28. Where under this Act more petitions than one are presented relating to the same election or return, all such petitions shall in the election list be bracketed together, and shall be dealt with as far as may be as one petition; but such petitions shall stand on the election list in the place where the last of such petitions would have stood if it had been the only petition presented, unless the Court shall otherwise direct. Several petitions to same election how placed on election list.

JURISDICTION AND RULES OF COURT.

29. The Judges for the time being on the *rota*, or a majority of them, may from time to time make, and may, from time to time, revoke and alter general rules and orders (in this Act referred to as the rules of Court) for the effectual execution of this Act, and of the intention and object thereof, and the regulation of the practice, procedure and costs of election petitions, and the trial thereof, and the certifying and reporting thereon. Any general rules and orders made as aforesaid, and not inconsistent with this Act, shall be deemed to be within the powers conferred by this Act, and shall, while unrevoked, be of the same force as if they were enacted in the body of this Act. Any general rules and orders made, in pursuance of this section, shall be laid before the Legislative Assembly within three weeks after they are made, if the Legislative Assembly be then sitting, and if the Legislative Assembly be not then sitting, within three weeks after the beginning of the then next Session of the Legislative Assembly. Judges on the rota may make rules of Court. Such rules to be laid before the Legislature.

30. Until rules of Court have been made in pursuance of this Act, and so far as such rules do not extend, the principles practice and rules on which election petitions, touching the election of members to the House of Commons of England, are at the time of the passing of this Act dealt with, shall be observed. Practice in cases not provided for.

served

served so far as consistently with this Act they may be observed by the Court and Judge.

RECEPTION, EXPENSES AND JURISDICTION OF THE JUDGE.

31. The Judge shall be received and attended at the place where he is about to try an election petition under this Act in the same manner, so far as circumstances will admit, as a Judge of Assize is received and attended at an assize town and sitting at *Nisi Prius*, and the expenses of such attendance shall be deemed to be part of the expenses of providing a Court.

Reception of,
and attendance
on the Judge.

32. The travelling and other expenses of the Judge, and all expenses properly incurred by the Sheriff in attendance on the Judge, and providing a Court, shall be defrayed out of moneys to be provided by the Legislative Assembly.

Travelling and
other expenses
of the Judge
and Sheriff.

33. On the trial of an election petition under this Act the Judge shall, subject to the provisions of this Act, have the same powers, jurisdiction and authority, as a Judge of one of the Superior Courts, and as a Judge of Assize and *Nisi Prius*, and the Court held by him shall be a Court of Record.

Powers of the
Judge.

WITNESSES.

34. Witnesses shall be subpoenaed and sworn in the same manner, as nearly as circumstances admit, as on a trial at *Nisi Prius*.

Witness, how
subpoenaed
and sworn.

35. On the trial of an Election petition under this act the Judge may, by order under his hand, compel the attendance of any person as a witness, who appears to him to have been concerned in the election to which the petition refers, and any person refusing to obey such order shall be guilty of contempt of Court. The Judge may examine any witness so compelled to attend, or any person in Court, although such witness is not called and examined by any party to the petition. After the examination of a witness as aforesaid by a Judge, such witness may be cross-examined by, or on behalf of the petitioner and respondent, or either of them.

Judge may
order atten-
dance of
witnesses.

Examination
of such wit-
nesses.

36. No person shall be excused from answering any question put to him on any trial under this Act, touching or concerning any election, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, or on the ground that the answer to such question will tend to criminate such person; but no answer given by any person, claiming to be excused on the ground of privilege, or on the ground that such answer will tend to criminate himself, shall be used on any criminal proceeding against any such person other than an indictment for perjury, if the Judge shall give to the witness a certificate that he claimed the right to be excused on either of

Witness not to
refuse to
answer.

When answers
of witnesses
are not to be
used against
them in
criminal pro-
ceedings.

the

the grounds aforesaid, and made full and true answers to the satisfaction of the Judge.

37. The reasonable expenses incurred by any person in appearing to give evidence at the trial of an Election petition under this Act, according to the scale allowed to witnesses on the trial of civil actions at the Assizes, may be allowed to such person by a certificate, under the hand of the Judge or of the Clerk of the Court, and such expenses, if the witness was called and examined by the Judge, shall be deemed to be part of the expenses of providing a Court, and in other cases, shall be deemed to be costs of the party calling the witness. Expenses of witnesses.

WITHDRAWAL AND ABATEMENT OF ELECTION PETITIONS.

38. An election petition under this Act shall not be withdrawn without the leave of the Court or Judge upon special application, to be made in and at the prescribed manner, time, and place. Withdrawal of petition.

No such application shall be made until the prescribed notice has been given in the Division to which the petition relates, of the intention of the petitioner to make an application for the withdrawal of his petition. Notice of withdrawal.

On the hearing of the application for withdrawal, any person who might have been a petitioner in respect of the election to which the petition relates, may apply to the Court or Judge to be substituted as a petitioner for the petitioner so desirous of withdrawing the petition: The Court or Judge may, if it or he think fit, substitute as a petitioner any such applicant as aforesaid; and may further, if the proposed withdrawal is, in the opinion of the Court or Judge, induced by any corrupt bargain or consideration, by order direct that the security given on behalf of the original petitioner shall remain as security for any costs that may be incurred by the substituted petitioner, and that to the extent of the sum named in such security the original petitioner shall be liable to pay the costs of the substituted petitioner. Substitution of new petitioner.

If no such order is made with respect to the security given on behalf of the original petitioner, security to the same amount as would be required in the case of a new petition, and subject to the like conditions, shall be given on behalf of the substituted petitioner before he proceeds with his petition, and within the prescribed time after the order of substitution. Order as to security where withdrawal is induced by corrupt bargain.

Subject as aforesaid, a substituted petitioner shall stand in the same position as nearly as may be, and be subject to the same liabilities as the original petitioner. Security to be given by substituted petitioner.

If a petition is withdrawn the petitioner shall be liable to pay the costs of the respondent, unless the Court otherwise orders. Costs.

Where there are more petitioners than one, no application to withdraw a petition shall be made, except with the consent of all the petitioners. All petitioners must join in withdrawal.

Court to report whether withdrawal was the result of a corrupt arrangement, etc.

39. In every case of the withdrawal of an election petition under this Act, the Court or Judge shall report to the Speaker whether in its or his opinion the withdrawal of such petition was the result of any corrupt arrangement, or in consideration of the withdrawal of any other petition, and if so, the circumstances attending the withdrawal.

Abatement of petition by death.

40. An election petition under this Act shall be abated by the death of a sole petitioner, or of the survivor of several petitioners.

Costs.

The abatement of a petition shall not affect the liability of the petitioner to the payment of costs previously incurred.

Notice of abatement to be given.

On the abatement of a petition the prescribed notice of such abatement having taken place shall be given in the division to which the petition relates; and within the prescribed time after the notice is given any person who might have been a petitioner in respect of the election to which the petition relates may apply to the Court or Judge, in and at the prescribed manner, time and place, to be substituted as a petitioner.

Substitution of new petitioner.

The Court or Judge may, if it or he think fit, substitute as a petitioner any such applicant who is desirous of being substituted, and on whose behalf security to the same amount is given as is required in the case of a new petition.

41. If before or during the trial of any election petition under this Act, any of the following events happen in the case of the respondent, (that is to say,)

On death of respondent,

(1.) If he die;

vacation of seat, or

(2.) If the Legislative Assembly have resolved that his seat is vacant;

withdrawal from opposition, and notice thereof,

(3.) If he give in and at the prescribed manner and time, notice to the Court or Judge that he does not intend to oppose, or further to oppose the petition;

others admitted as respondents.

notice of such event having taken place shall be given in the division to which the petition relates, and within the prescribed time after the notice is given, any person who might have been a petitioner in respect of the election to which the petition relates, may apply to the Court or Judge to be admitted as a respondent to oppose the petition, or so much thereof as may remain undisposed of, and such person shall on such application be admitted accordingly, either with the respondent, if there be a respondent, or in place of the respondent; and any number of persons, not exceeding three, may be so admitted; and if either of such events happen during the trial, the Judge shall adjourn the trial in order to the giving of notice that such event has happened as herein provided.

Respondent

42. A respondent who has given the prescribed notice that he

he does not intend to oppose or further oppose the petition, shall not be allowed to appear or act as a party against such petition in any proceedings thereon, and shall not sit or vote in the Legislative Assembly until the Legislative Assembly has been informed of the report on the petition; and the Court or Judge shall, in all cases in which such notice has been given in the prescribed time and manner, report the same to the Speaker.

not opposing
petition not to
appear as a
party or sit in
the Legislative
Assembly.

43. When an election petition under this Act complains of a double return, and the respondent has given notice in the prescribed way that it is not his intention to oppose the petition, and no party has been admitted, in pursuance of this Act, to oppose the petition, then the petitioner, if there be no petition complaining of the other member returned on such double return, may withdraw his petition by notice addressed to the prescribed officer; and upon the receipt of such notice, the prescribed officer shall report the fact of the withdrawal of such petition to the Speaker; and the Legislative Assembly shall thereupon give the necessary directions for amending the said double return, by taking off the file the indenture by which the respondent so declining to oppose the petition was returned, or otherwise, as the case may require.

Cases of double
return, where
the respondent
declines to
defend.

COSTS.

44. All costs, charges, and expenses of and incidental to the presentation of a petition under this Act, and to the proceedings consequent thereon, with the exception of such costs, charges and expenses as are by this Act otherwise provided for, shall be defrayed by the parties to the petition in such manner and in such proportions as the Court or Judge may determine, regard being had to the disallowance of any costs, charges or expenses which may in the opinion of the Court or Judge, have been caused by vexatious conduct, unfounded allegations, or unfounded objections on the part either of the petitioner or the respondent, and regard being had to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or not on the whole successful.

Costs of peti-
tion.

The costs may be taxed in the prescribed manner, but according to the same principles as costs are taxed between solicitor and client in the Court of Chancery, and such costs may be recovered in the same manner as the costs of an action at law, or in such other manner as may be prescribed.

Taxation and
recovery of
costs.

45. If any petitioner, in an election petition presented under this Act, neglect or refuse for the space of six months after demand to pay to any person summoned as a witness on his behalf, or to the respondent, any sum certified to be due to him for his costs, charges and expenses, and if such neglect or refusal be, within one year after such demand, proved to the satisfaction

Recognizances
when to be
estreated.

satisfaction of the Court, in every such case every person who has entered into a recognizance relating to such petition under the provisions of this Act, shall be held to have made default in his said recognizance, and the prescribed officer shall thereupon certify such recognizance to be forfeited; and such certificate shall have the same effect as if such recognizance were estreated or otherwise proceeded upon for the like purpose from or in a court of law in Ontario, and all moneys received or recovered by reason or in pursuance of the estreating or otherwise proceeding on such recognizance, shall be paid to the prescribed officer; and all such moneys and all moneys paid in as security on the presentation of an election petition, shall be applied as the Court or Judge may direct, in pursuance of the condition of the recognizance herein provided for.

PUNISHMENT OF CORRUPT PRACTICES.

Avoidance of election, and punishment of candidates guilty of corrupt practices.

46. Where it is found by the report of the Judge upon an election petition under this Act that any corrupt practice has been committed by or with the knowledge and consent of any candidate at an election, his election, if he has been elected, shall be void, and he shall, during the eight years next after the date of his being so found guilty, be incapable of being elected to, and of sitting in the Legislative Assembly, and of being registered as a voter, and of voting at any election, and of holding any office at the nomination of the Crown, or of the Lieutenant-Governor, in Ontario, or any municipal office.

Vote by elector committing any corrupt practice void.

47. If on the trial of any election petition, it is proved that any corrupt practice has been committed by any elector voting at the election, his vote shall be null and void.

Penalty for employing agent previously found guilty of corrupt practices.

48. If on the trial of any election petition under this Act, any candidate is proved to have personally engaged at the election, to which such petition relates, as a canvasser or agent in relation to the election, any person, knowing that such person has within eight years previous to such engagement, been found guilty of any corrupt practice by any competent legal tribunal, or by the report of the Judge upon an election petition under this Act, the election of such candidate shall be void.

Punishment of persons found guilty of any corrupt practice.

49. Any person other than a candidate found guilty of any corrupt practice in any proceeding in which, after notice of the charge he has had an opportunity of being heard, shall, during the eight years next after the time at which he is so found guilty, be incapable of being elected to and of sitting in the Legislative Assembly, and of being registered as a voter, and of voting at any election, and of holding any office at the nomination of the Crown, or of the Lieutenant-Governor in Ontario, or any municipal office.

Removal of

50. If at any time after any person has become disqualified by

by virtue of this Act, the witnesses or any of them on whose testimony such person shall have so become disqualified, shall, upon the prosecution of such person, be convicted of perjury in respect of such testimony, it shall be lawful for such person to move the Court to order, and the Court shall, upon being satisfied that such disqualification was procured by reason of perjury, order that such disqualification shall therefore cease and determine, and the same shall cease and determine accordingly.

disqualification on proof that disqualification was procured by perjury.

MISCELLANEOUS.

51. If any Returning Officer wilfully delays, neglects or refuses duly to return any person who ought to be returned to serve in the Legislative Assembly for any division, such person may, in case it has been determined on the hearing of an election petition under this Act, that such person was entitled to have been returned, sue the Officer having so wilfully delayed, neglected, or refused duly to make such return of his election in any Court of record in Ontario, and shall recover double the damages he has sustained by reason thereof, together with full costs of suit, provided such action be commenced within one year after the commission of the act on which it is grounded, or within six months after the conclusion of the trial relating to such election.

Returning Officer may be sued for neglecting to return any person duly elected.

52. In reckoning time for the purposes of this Act, Sunday, and any day set apart by any Act of the Legislature of Ontario, for a public holiday, fast or thanksgiving, shall be excluded.

Computation of time.

53. From and after the time of the passing of this Act no election or return to the Legislative Assembly shall be questioned, except in accordance with the provisions of this Act; but any election or return which took place prior to the passing of this Act, may be questioned only in manner heretofore in use.

Controverted elections, how only to be tried.

54. Where an election petition under this Act complains of the conduct of a Returning Officer, such Returning Officer shall for all the purposes of this Act, except the admission of respondents in his place be deemed to be a respondent.

Petition complaining of a Returning Officer.

55. A petition under this Act complaining of no return may be presented to the Court, and shall be deemed to be an election petition within the meaning of this Act, and the Court may make such order thereon as it thinks expedient for compelling a return to be made, or may allow such petition to be tried by the Judge in manner hereinbefore provided with respect to ordinary election petitions.

Petitions complaining of no return.

56. On the trial of a petition under this Act, complaining of an undue return, and claiming the seat for some person, the respondent may give evidence to prove that the election of such

Evidence on trials of undue return, and claiming seat.

such person was undue, in the same manner as if he had presented a petition complaining of such election.

Who may practice as agent, attorney or counsel in case of election petitions.

57. Any person who accordingly to the law for the time being is entitled to practice as an Attorney or Solicitor in Ontario, not being a member of the Legislative Assembly, may practice as agent or attorney, and any person who by the law for the time being is entitled to practice as a Barrister-at-Law, not being a member of the Legislative Assembly, may practice as a counsel, in cases of election petitions, and all matters relating to elections, before the Court or Judge.

Repeal of portion of Con. Stat. C., Ch. 7.

58. From and after the passing of this Act, the Act respecting Controverted Parliamentary Elections, Chapter seven of the Consolidated Statutes of Canada, is repealed so far as the same applies to Elections to take place for the Legislative Assembly of Ontario, after the passing of this Act.

CAP. IV.

An Act to provide for the Organization of the territorial District of Thunder Bay.

[Assented to 15th February, 1871]

Preamble.

WHEREAS it is desirable to provide for the erection of a portion of the territory now embraced in the district of Algoma, into a separate territorial district: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lieutenant-Governor may erect certain unorganized territory into a temporary judicial district to be called the district of Thunder Bay.

1. The Lieutenant-Governor in Council, may, by proclamation declare, that from and after a day to be named therein, the following territory shall, for the purposes of this Act, be and form one territorial district or division, by the name of "The District of Thunder Bay," and that any township or land comprised in any such territory, shall, for the purposes of this Act, be detached from the District of Algoma; which District of Thunder Bay shall be composed of all that part of the District of Algoma lying west of the meridian of eighty-seven degrees of west longitude.

District may be divided into divisions.

2. The Lieutenant-Governor in Council may divide the district of Thunder Bay into two or more divisions, and appoint and, from time to time, alter the number, limits and extent of every such division, and may number the same consecutively, commencing at number one.

Court to be

3. A court shall be held in every such division, once in every

every three months, or oftener at the discretion of the Stipendiary Magistrate, who may appoint, and, from time to time, alter the times and places within such divisions when and at which such courts shall be holden, subject to the approval of the Lieutenant-Governor in Council.

held in each division.

4. The Lieutenant-Governor may from time to time, appoint in and for the said territorial district, a fit and proper person to be Stipendiary Magistrate thereof, who shall hold office during pleasure, and exercise within such district, the magisterial, judicial and other functions herein expressed or provided for, and who shall reside in such place within the said district as the Lieutenant-Governor may direct.

Stipendiary magistrate may be appointed.

5. Every such Stipendiary Magistrate shall be paid out of the Consolidated Revenue Fund of this Province, the yearly sum of twelve hundred dollars, to be paid quarterly, on the first days of January, April, July and October in each year, by equal portions; and may moreover have and take, to his own use, the fees authorized to be taken by Justices of the Peace or by their clerks, in cases of summary convictions.

Salary of such magistrate.

6. The oath to be taken by the Stipendiary Magistrate of the said district of Thunder Bay, in addition to his oath of office as a Justice of the Peace, shall be as follows:—

New form of oath.

"I, A.B., do swear, that I will truly and faithfully execute the several powers, duties and trusts committed to, or required of me, by the Act to provide for the organization of the territorial district of Thunder Bay, without fear, without favour, and without malice. So help me God."

7. The provisions of the fifth, seventh, and following sections down to section number eighty-seven inclusive of chapter one hundred and twenty-eight, of the Consolidated Statutes for Upper Canada, intituled "An Act respecting the administration of Justice in unorganized tracts," shall extend and apply to the said district of Thunder Bay in the same manner and with the like effect, as if they and each of them were here inserted and re-enacted and made applicable in express terms to the said district of Thunder Bay, with the substitution of the words "Lieutenant-Governor," for the word "Governor;" the word "Ontario," for the words "Upper Canada;" the words "the said territorial District," for the words "such temporary Judicial District," "his temporary Judicial District," "the temporary Judicial District," "each temporary Judicial District," "any temporary Judicial District," "or every temporary Judicial District," the words "Commissioner of Agriculture and Public Works," for the words "Commissioner of Public Works;" the words "the District of Thunder Bay," for the words "the temporary Judicial District of"; the words "Treasurer of the Province," for the words "Minister of Finance;" the word "District,"

Con. Stat. U. C., chap. 128, ss. 5, 7 to 88 to apply with certain substitutions.

"District," for the words "unorganized Country;" wherever the same occur in the said sections, or any of them.

Justices of the peace may be appointed. Qualification, &c., not necessary.

8. The Lieutenant-Governor in Council may from time to time, appoint fit and proper persons to be and act as Justices of the Peace in and for the said territorial district of Thunder Bay and it shall not be necessary for any such Justices of the Peace to possess any property qualification whatever, or to be a stated resident within the said territorial district.

Authority of such Justices.

9. The Justices of the Peace appointed under this Act shall have, hold and exercise all and any of the powers and authority, and be subject in all respects (except as to any matters incident to the residence or property qualification, required in cases not within the meaning of this Act) to the requirements of the laws in force in this Province, respecting the office of Justice of the Peace, in so far as the same may be applicable to the persons appointed under this Act, and not inconsistent with the removal of the restrictions hereby intended.

Justices may make commitments to the gaol of the territorial district.

10. Whenever, in the exercise of the powers and authority aforesaid, any Justice of the Peace, appointed under this Act, causes any person to be committed to prison, such Justice may cause such person to be committed to the common gaol of the said territorial district, and the keeper of the said gaol shall receive such person, and him safely keep and detain in such common gaol in his custody, until discharged in due course of law, or bailed in cases in which bail may be taken.

Returns of convictions.

11. And all returns of convictions required by law to be made by any Justice or Justices of the Peace for the said district of Thunder Bay, shall be made to the Clerk of the Peace for the district of Algoma.

Erection of gaols.

12. The Lieutenant-Governor may from time to time direct that one or more suitable erections shall be provided by the Commissioner of Public Works in the said district, for the safe custody of prisoners charged with crime or convicted of any offence, and every erection so provided shall be deemed a common gaol, and the common gaol of the said district. But criminal offenders, fully committed for trial, shall be committed to the common gaol of the district of Algoma, in such cases as would have been tried in the district of Algoma had the crime been committed there, and in other cases to the common gaol of the county of Grey, to be dealt with according to law, and such commitment shall be an authority to the gaoler of the common gaol of the district of Thunder Bay, to detain any offender mentioned therein until he is removed to the gaol mentioned in such commitment, but such offender shall not be detained in the gaol of Thunder Bay an unreasonable time, regard being had to the season of the year, and the possibility of travelling at the time of his commitment as aforesaid and until such erections

Commitment of criminals.

erections are provided, offenders may be committed to any suitable place within the said district of Thunder Bay.

13. In all cases arising in the said district, in which, according to the general laws of this Province, an appeal lies from the decision of any one or more Justices of the Peace, to the general sessions of the peace, such appeal shall lie to, and may be brought before, and heard and determined by the court of general sessions of the peace for the district of Algoma, and shall be claimed and allowed and prosecuted in the same manner, and within the same period, as if the same had arisen within the limits of the said district of Algoma; *Provided that* no appeal shall lie from any judgment or decision of the stipendiary magistrate of the said district.

Appeal to be to the general sessions of the county of Simcoe.

Provido.

14. The Lieutenant-Governor in Council may appoint a Registrar of deeds, in and for the said territorial district, who shall hold office during pleasure, and shall register all deeds and other conveyances and instruments relating to lands, situate in any part of the said territorial district, and laid out and surveyed by the crown, but until such appointment has been made, and published for one month in the *Ontario Gazette*, the same shall be registered in the registry office of the district of Algoma, as if this Act had not been passed.

Registrar of deeds may be appointed.

15. The said Registrar shall keep his office in a place to be named for that purpose in his commission, or at such other place as may be appointed from time to time by the Lieutenant-Governor in Council, and his duties shall be the same as the duties of other Registrars under the registry laws of this Province; and his fees shall be the same as those appointed and established by such registry laws.

Office, duties and fees and Registrar.

16. The Registrars of the district of Algoma when thereunto required by the Lieutenant-Governor, shall transfer and deliver to the Registrar of the said district of Thunder Bay all books, deeds, papers, plans and documents in their possession respectively as such Registrars referring or relating exclusively to any lands within the said district of Thunder Bay; and all the provisions of the registry laws of this Province relating to the transfer of books, deeds, memorials, plans, wills and other documents or instruments from one registry office to another registry office, when a part of a county has been detached therefrom and set apart for registration purposes, shall apply to the establishment of the said registry office of the said district of Thunder Bay.

Certain Registrars to transfer books, deeds, &c.

Registry laws to apply.

17. The superior courts at Toronto, may, from time to time, appoint commissioners for taking affidavits and recognizances of bail, in and for the said territorial district, and the Queen's writs shall run and may be executed in any part of the said district, and shall have the same force and effect upon persons

Commissioners for taking affidavits.

and

and property as similar writs have in the organized parts of Ontario, and may be directed to the Sheriff of the district of Algoma.

Schedule appended to Con. Stat. U. C. chap. 128 to apply with substitutions.

18. All the schedules appended to the said Act, intituled, "An Act respecting the administration of justice in unorganized tracts," are adopted, and are to be regarded and construed as appended to this Act; with the same substitution of one word for another word, and of one set of words for another set of words, as is hereinbefore provided in respect of the several sections of the said Act which are adopted and embodied in and made part of this Act.

For certain purposes, district to remain as before this Act.

19. For all municipal purposes, for the purpose of representation in the Legislative Assembly, and for the administration of civil and criminal justice, in all cases not provided for by this Act, the said townships and territory composing the said district of Thunder Bay, shall remain as before the passing of this Act.

Certain provisions chap. 19, Con. Stat. U.C. adopted.

20. The provisions of the sections one hundred and seventy-five, one hundred and seventy-six, one hundred and seventy-seven, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty, and of sections one hundred and sixty and the sections following, to section one hundred and seventy-three inclusive, and of section one hundred and thirty-nine, of the chapter nineteen of the Consolidated Statutes for Upper Canada, intituled, "An Act respecting Division Courts," together with the provisions of an Act passed in the thirty-second year of Her Majesty's reign, intituled, "An Act to amend the Acts respecting Division Courts," shall extend and apply to the said district of Thunder Bay, and to the several courts established in the said district and to the proceedings in such courts, in the same manner, and with the like effect as if they, and each of them, were here inserted and re-enacted and made applicable in express terms to the said district.

Registration of instruments mentioned in Con. Stat. U. C., cap. 45, s. 7.

21. The several instruments mentioned in section number seven of chapter forty-five of the Consolidated Statutes for Upper Canada, intituled "An Act respecting mortgages and sales of personal property," when made or executed within the said district of Thunder Bay, or affecting personal property therein, shall be registered in the office of the clerk of the first division court of the said district, at such place as the Lieutenant-Governor may appoint, and when so registered shall have the like effect as similar instruments executed in any county of this Province have, when registered in the office of the Clerk of the county court of the proper county.

Lieut.-Gov. may annex other territory and may erect

22. The Lieutenant-Governor in Council may from time to time, by proclamation, detach any township or territory from the district of Algoma, and annex the same to the said territorial

torial District of Thunder Bay, and may also, by any subsequent proclamation, declare that the said District of Thunder Bay, with or without any other territory, shall, from a day to be mentioned in such last mentioned proclamation, constitute and form a provisional judicial district, under the provisions of the ninety-second section of the said chapter one hundred and twenty-eight, of the consolidated statutes for Upper Canada.

said district in-
to a provi-
sional judicial
district under
Con. Stat. U.
C. c. 128, s. 92.

CAP. V.

An Act to encourage settlement in the Free Grant Territory.

[Assented to 15th February, 1871.]

WHEREAS it is expedient to ascertain how far immigration would be encouraged, and the welfare of settlers promoted, by the partial clearance of lands forming part of the public lands appropriated for free grants, and by the erection thereon of a house, and by the offer to settlers of such lands with such clearance and house thereon under the terms of "The Free Grants and Homestead Act, of 1868," and under the further stipulation that the value of such clearance and house be paid by the locatee within five years from location; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Preamble.

1. There shall be set apart from the Consolidated Revenue Fund the sum of twenty thousand dollars, to be applied for the purposes herein mentioned, and to be designated and known as the "Settler's Homestead Fund."

\$20,000 appro-
priated.

2. The Commissioner of Agriculture and Public Works is hereby authorized to cause to be cleared, fit for cultivation, and to be fenced, a plot of not exceeding five acres on any parcel or parcels of land, which may thereafter be granted, or as to which authority is given to locate any person by or under the provisions of "The Free Grants and Homestead Act of 1868;" and to cause to be erected on every such plot a one story house fit for habitation, of the dimension of not less than sixteen by twenty feet; and to defray the expense of such clearance, fencing and erection out of the said fund: Provided however, and it is enacted, that such expense as to any one plot shall not exceed two hundred dollars, and that such clearances, fencing and erections in all, shall not be made to any greater extent or value than can be paid for out of the said fund, nor in any but such one township as may hereafter be decided on by the said Commissioner.

Commissioner
of Agriculture
authorized to
clear and build
in the Free
Grant Terri-
tory.

Account of expenses to be kept, and mentioned in location ticket.

3. The amount of the expense of clearing, fencing and erection as aforesaid, on each separate parcel of land, shall be entered in a book to be kept for that purpose by the said Commissioner of Agriculture and Public Works, and information as to the same be given by him to all persons enquiring; and such amount, and the terms of payment thereof, and of the interest thereon, shall be specified in every location ticket issued to a locatee.

Terms whereon the land cleared, etc., may be located.

4. Every such parcel of land shall continue subject to the provisions of "The Free Grants and Homestead Act of 1868," and to any regulations made or to be made by Order in Council thereunder, except so far as such regulations and provisions are varied by or are inconsistent with this Act. So much of the ninth section of the said Act as relates to building a house shall not apply to any such parcel after clearance, fencing and erection thereon as aforesaid; Provided however and it is enacted, that no patent shall issue for any such parcel till the locatee thereof, or those claiming under him, shall, within five years from the date of location, have paid to the Commissioner of Agriculture and Public Works the expense of such clearance, fencing and erection, and the interest thereon from the date of location.

Forfeiture.

5. On failure in payment of such expense and interest, or in performance of settlement duties according to the said recited Act, the location shall be forfeited, and all rights of the locatee, and of every person claiming under him, in the land, shall cease.

CAP. VI.

An Act relative to Unpatented Lands sold for Taxes.

[Assented to 15th February, 1871.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Deeds executed by the proper officers for sales of lands for taxes may be acted upon by the Commissioner of Crown lands.

1. Whenever the proper officer or officers having by law the power or authority to make or execute deeds on sales of lands for taxes shall heretofore have made or executed, or shall hereafter make or execute any deed purporting to grant, sell or convey any land or portion of land, the fee of which is in Her Majesty or purporting to grant, sell or convey the interest therein of any locatee or purchaser from the crown, and such deed shall recite, or purport to be based upon a sale for taxes of such land or interest, the Commissioner of Crown Lands may act upon

upon and treat such deed as a valid transfer of all the right and interest of the locatee or purchaser from the crown, and of every person claiming under him, in or to such land or portion of land to the grantee named in such deed, and may cause a patent for such land to be issued to such grantee on completion of the original conditions of location or sale unless such deed shall be questioned before a court of competent jurisdiction by some person interested in such land within three months after the passing of this Act, or within three months after the making of such deed, and unless notice of such deed being so questioned, shall within the respective times aforesaid be given to the Commissioner of Crown Lands.

2. This Act shall not apply to any deed based or purporting to be based upon a sale for taxes made prior to the first day of January, in the year one thousand eight hundred and sixty-eight.

Act not to apply to certain deeds for lands sold for taxes.

3. Nothing in this Act contained shall interfere with the authority of the Commissioner of Crown Lands under "The Public Lands Act of 1860," to cancel the original sale, grant, or location, of any such land.

This act not to affect the power of the Commissioner to cancel original sales.

CAP. VII.

An Act to provide for the appointment of Judicial Officers, to whom Estate Bills may be referred.

[Assented to 15th February, 1871.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The Lieutenant-Governor in Council may from time to time issue commissions to the Judges of the Superior Courts of Law and Equity, empowering them, or any two of them, to report, under the rules and orders of the Legislative Assembly, to the Assembly in respect of any estate bills, or petitions for estate bills, which may be submitted to the Assembly.

The Lieutenant-Governor may refer estate bills and petitions to the Judges of the Superior Courts.

CAP. VIII.

An Act to alter the names of the Superior Courts in Ontario.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS it is expedient to alter the names of the Superior Courts in accordance with the change that has been made in the name of this Province: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

The Queen's Bench.

1. The "Court of Queen's Bench for Upper Canada," shall, during the reign of a King be called "His Majesty's Court of King's Bench for Ontario," and during the reign of a Queen "Her Majesty's Court of Queen's Bench for Ontario."

The Common Pleas.

2. "The Court of Common Pleas for Upper Canada," shall be called "The Court of Common Pleas for Ontario."

The Court of Chancery.

3. "The Court of Chancery for Upper Canada" shall be called "The Court of Chancery for Ontario."

Style of court in process or pleading.

4. Notwithstanding anything herein contained, no writ process or pleading shall be held void or irregular, merely on account of the use of the old style of any of said Courts, but the same shall be as valid as if the proper style of such Court had been used.

Section 4 to be in force only to 1st January, 1872.

5. The last preceding section of this Act shall be in force until the first day of January, in the year of our Lord one thousand eight hundred and seventy-two, and no longer, and after such time the same effect and no other shall be given to such misnomer as if such section had never been passed.

CAP. IX

An Act to facilitate the business of the Superior Courts.

[Assented to 15th February, 1871.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Chief Justice of Appeal or any superior

1. That it shall be lawful for the Chief Justice of Appeal, (if he shall find it convenient,) to sit in the Court of Queen's Bench

Bench, Chancery or Common Pleas, and for any one of the Judges of the said last mentioned three Courts, (if he shall find it convenient,) to sit in either of the said other Courts, upon the request of the Judges or Judge with or for whom he shall be so requested to sit; and the said Chief Justice or other Judge so requested shall while so sitting have all the powers and authority of a Judge of the Court in which he shall be so sitting.

Court Judge
may sit in any
superior Court.

CAP. X.

An Act respecting the Court of Chancery.

[Assented to 15th February, 1871.]

WHEREAS it is advisable to provide greater facilities for the transaction of business in the Court of Chancery, and to make various other provisions in respect to the said Court: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Preamble.

1. The Lieutenant-Governor in Council may appoint an officer of the said Court, to be called "Referee in Chambers," who shall perform the duties indicated in the next succeeding section of this Act, and to whom, as far as possible, shall be made all references to be conducted in Toronto, under the "Act for Quieting Titles to Real Estate in Upper Canada," and who, for the purpose of expediting business in the Master's office, shall take such references, and none other, as the Master in Ordinary shall certify that he is unable by reason of press of business, or otherwise, presently to proceed with, and who shall in addition, perform such other duties of a ministerial nature as the Judges of the said Court may by any general order assign to him.

Appointment
of Referee in
Chambers.

2. It shall be lawful for the said Court to make and publish general orders for the following purposes:

Court to make
general orders,

(1.) For empowering the said officer to do any such thing, and to transact any such business, and to exercise any such authority and jurisdiction in respect of the same as by virtue of any statute or custom or by the practice of the said Court, is now done, transacted or exercised by a Judge of the said Court sitting in chambers, and as shall be specified in any such order, except in matters relating to granting writs of Habeas Corpus, and adjudicating upon the return thereof, and to appeals and applications in the nature of appeals, and to proceedings under the thirty-third section of chapter twelve of the Consolidated Statutes

for empower-
ing the Referee
to transact
certain busi-
ness.

Statutes

Statutes for Upper Canada, or under sections five to eleven inclusive, of the Act of the late Province of Canada, passed in the twenty-eighth year of the reign of Her present Majesty, and chaptered seventeen, and to applications for writs of arrest, and to applications for advice under the Trustee Acts, and to matters affecting the custody of children, and to matters under the first section of the Act passed in the twenty-eighth year of the reign of Her Majesty, chaptered seventeen, and to opposed applications for administration orders, and to opposed applications respecting the guardianship of the person or property of children: Provided always, that in case all the Judges of the Court are absent from the City of Toronto, such Referee may adjourn any motion in chambers in respect to any of such excepted matters upon such terms as he may consider proper.

for conferring
certain powers
on the local
masters.

(2.) For conferring upon any of the local Masters of the Court all or any of the powers which the said Court are hereinbefore authorized to confer upon the said Referee in Chambers, and to make such regulations as to filing and keeping records, and the transmission of the same, or of copies thereof, to an officer of the Court at Toronto, as to such Court shall seem expedient.

Decision of the
Referee to be
binding.

3. Every order or decision made or given under this Act by the said Referee in Chambers, or a local Master, shall be as valid and binding on all parties concerned as if the same had been made or given by a Judge sitting at Chambers; Provided always, that it shall be lawful for any person affected by any order or decision of such officer, to appeal therefrom to a Judge in Chambers within such time and in such manner as shall be appointed by any general orders to be made in that behalf.

Appeal there-
from.

Fees.

4. The said Referee in Chambers shall not, nor shall the Accountant of the said Court, nor any clerk appointed under section sixteen of chapter twelve of the Consolidated Statutes for Upper Canada, take for his own benefit, directly or indirectly, any fee or emolument, save the salary to which he may be entitled by law; and all the fees received by or on account of such offices shall form part of the Consolidated Revenue Fund of this Province.

Salaries.

5. There shall be paid out of the Consolidated Revenue Fund of this Province the yearly sums following, as and for the salaries of the Master in Ordinary of the said Court and of the said Referee in Chambers, that is to say: to the Master three thousand dollars (in lieu of all sums heretofore directed to be paid); and to the said Referee in Chambers, two thousand dollars, free from all taxes and deductions whatever, and so in proportion for any broken period.

Administra-
tion of oaths.

6. Any clerk of the Master in Ordinary shall, for the purposes of any proceedings directed by the Court or the Master to be taken before

before him, have full power to administer oaths, to take affidavits, to receive affirmations, and to examine parties and witnesses, as the Court or Master shall direct; and the said Referee in Chambers shall have like authority in all matters before him.

7. On the first day of March, one thousand eight hundred and seventy-one, all mortgages, stocks, funds, annuities and securities whatsoever, which shall then be standing in the name of the Registrar of the Court of Chancery, or shall be in the custody or power of the said Registrar, as such Registrar, and in respect to his office, together with all the interest and estate of the said Registrar in the lands and premises embraced in such mortgages or other securities, shall become by force of this Act vested in the Accountant of the said Court for the time being, as such Accountant, subject to the same trusts as they shall then respectively be subject to, and shall and may be proceeded on, by and in the name of the said Accountant, in right of his office, by any action or suit at law or in equity, or in any other manner, or may be assigned, transferred or discharged, as the same might have been proceeded on, assigned, transferred or discharged by or in the name of the said Registrar; and all such funds, stocks, securities and moneys as shall, on the said first day of March, be standing in the name of the said Registrar, as such Registrar, in the books of any bank or other body politic or corporate, or company, shall on the said first day of March be carried by the proper officers to the credit of the said Accountant, in the books of the said bank, or other body politic or corporate, or company, in trust to attend the orders of the said Court.

Securities in the hands of the registrar vested in the Accountant.

8. In all cases in which any interest in real or personal estate, effects or property, shall be vested in the Accountant for the time being of the Court of Chancery, as such Accountant and in respect of his office, all such real and personal estate, effects and property whatsoever, upon the death, resignation or removal from office of each and every Accountant of the said Court from time to time, and as often as the case shall happen, and the appointment of a successor shall take place, shall, subject to the same trusts as the same were respectively subject to, vest in the succeeding Accountant by force of this Act; and shall and may be proceeded on by any action or suit at law or in equity, or in any other manner, or may be assigned, transferred or discharged in the name of such succeeding Accountant, as the same might have been proceeded on, assigned, transferred or discharged, by or in the name or names of such Accountant so resigning, removed or dying, his heirs, executors or administrators.

On death, &c. of Accountant, property to vest in his successor.

9. And whereas doubts have been raised respecting the validity of certain proceedings in the said Court of Chancery, and it is advisable to remove the same, be it therefore enacted that all orders heretofore made, and proceedings had and taken in

Certain orders and proceedings confirmed.

Chancery

Chancery Chambers since the tenth day of September, one thousand eight hundred and sixty-six, shall be and the same are hereby declared to be as valid and effectual as if the same had been made, had or taken by a Judge of the said Court, although there may have been no Judge actually sitting in Chambers when the said orders were made or the said proceedings were had.

CAP. XI.

An Act to amend the Act intituled "An Act respecting the Court of Error and Appeal," and to amend the Act intituled "An Act for quieting titles to real estate in Upper Canada."

[Assented to 15th February, 1871.]

Preamble.

WHEREAS it is expedient to amend chapter thirteen of the Consolidated Statutes for Upper Canada, and the Act passed in the twenty-ninth year of Her Majesty's reign, chaptered twenty-five; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Con. Stat. U.
C. cap. 13 s. 24
amended.

1. That section twenty-four of said statute shall be amended by striking out all after the word "appeal" in the fourth line of the said section to the end.

Con. Stat. U.
C. cap. 13 s.
28 amended.

2. Section twenty-eight of the said statute chaptered thirteen is amended, so as to read as follows; "An Appeal shall lie in all cases in which a rule nisi to quash a by-law of a Municipal Corporation in whole or in part has either been discharged or made absolute."

29 Vic., c. 25,
s. 46.

3. Section forty-six of the said Act chaptered twenty-five is hereby amended to read as follows:—

"An appeal shall lie from any order or decision of a judge under this Act to the full court, or to the Court of Error and Appeal, and also from any order or decision of the full court to the said Court of Error and Appeal, as in the case of orders, decrees, rules and judgments in suits."

Con. Stat. U.
C. cap. 13 ss.
22, 23, 24, time
for appeal
under.

4. All appeals under sections twenty-two, twenty-three and twenty-four of the said statute shall be brought to a hearing within one year after the giving of the judgment, decision or rule appealed from, or within such further time as the Court of Error and Appeal may allow.

CAP. XII.

An Act to amend the Act to regulate the procedure of the Superior Courts of Common Law, and of the County Courts.

[Assented to 15th February, 1871.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That sections one hundred and ten, one hundred and twelve, one hundred and thirteen, one hundred and fourteen, and one hundred and thirty, of chapter twenty-two of the Consolidated Statutes for Upper Canada, be and the same are hereby repealed. 22 Vic., ch. 22, ss. 110, 112, 113, 114, 130 repealed.

2. That the costs of any issue, either of fact or of law, shall follow the finding or judgment on such issue, and be adjudged to the successful party, whatever may be the result of the other issue or issues, unless the judge at the trial shall certify to the contrary. Costs of issue to follow its result.

3. That in all actions brought in any of the County Courts of this Province, it shall be lawful for the Judge of the County Court where the proceedings are commenced, to change the venue according to the practice now in force in the Superior Courts; and in the event of an order being obtained for that purpose, the clerk of the County Court where the action was commenced, shall forthwith transmit all papers in the cause to the clerk of the county court to which the venue is changed, and all subsequent proceedings shall be entitled in such last mentioned court, and carried on in said last mentioned county as if the proceeding had originally been commenced in such last mentioned court. Judge of County Court may change venue.

4. That section one hundred and nine be amended by adding to the end thereof the following: "Provided always, that the Judge of the County Court shall have the power to grant such leave in cases brought in either of the Superior Courts when both the plaintiff's and defendant's attorney reside in the county where such action is commenced." 22 Vic., ch. 22, s. 109, amended.

5. That section one hundred and twenty-nine be amended by adding to the end thereof the following words, "but this shall not apply' to any action wherein the venue is laid in the County of York." 22 Vic., ch. 22, s. 129, amended.

6. That in all actions of replevin the Judge of the County Court of the County where the goods are, which are sought to be Judges of County Courts (except in be

York), may
issue orders for
writ of Re-
plevin.

be replevied (excepting the County of York), shall have the power of issuing the order in the same manner as by law the Judges of the Superior Courts are empowered to issue the same.

Sheriffs, &c.,
not to be liable
in debt for
escape.

7. That if any debtor in execution shall escape out of legal custody, after the passing of this Act, the Sheriff, Bailiff or other person having the custody of such debtor, shall be liable only to an action upon the case for damages sustained by the person or persons at whose suit such debtor was taken or imprisoned, and shall not be liable to any action for debt in consequence of such escape.

Any number
of pleas may
be pleaded.

8. That it shall and may be lawful to plead any number of pleas, replications, avowries, cognizances or other pleadings without leave of the Court or a Judge; Provided always, that the opposite party shall be at liberty to apply to the Court or a Judge to strike out any plea upon the ground of embarrassment, or delay.

Witnesses may
be put out of
Court.

9. That the Judge at any trial shall at the request of either party cause the witnesses to be removed from the Court during such trial, and also the parties to the suit tendering themselves as witnesses, if in the discretion of the Judge it is deemed necessary; or he may instead require the party intending to give evidence for himself to be examined before his other witnesses; and any such witness who shall return to the Court without leave, shall be liable to be punished in such manner as to the said Judge may seem proper; Provided always, that the said Judge may in his discretion exclude the testimony of any witness who shall return to the Court without leave of the Judge.

Proviso.

On leave re-
served for non-
suit, etc.,
power of court
on motion.

10. In any case where on the trial leave is reserved to move to enter a non-suit, or to enter a verdict for the defendant, and the jury disagree and find no verdict, the court, on motion in Term pursuant to such leave, may give the same judgment as if a verdict had been found for the plaintiff.

Service of pa-
pers on certain
corporations.

11. Every writ of summons issued against a railway, telegraph, or express corporation, and all subsequent papers and proceedings in the event of an appearance not having been duly entered, may be served on the agent of such corporation, at any branch or agency thereof, or on any station master of any railway company, or on any telegraph operator, or express agent having charge of any telegraph or express office belonging to such corporation; and any such master, operator or express agent shall for the purpose of being served with a writ of summons issued against such corporation, or any paper or proceeding as aforesaid in the event of non-appearance be deemed the agent thereof.

Time for
pleading and

12. In all cases where pleadings or notices of trial or countermand of notice of trial in either of the Superior Courts of Common

Common

Common Law, or in the County Court, are served upon the agent of the attorney in the cause in Toronto, two clear additional days to the time now allowed by law for such service shall be added. for notice of trial extended in certain cases.

13. That section twenty-eight of chapter thirty-five of the Consolidated Statutes for Upper Canada be repealed and the following substituted therefor: Con. Stat. 35, s. 28 amended.

"Upon the application of the party chargeable by such bill within such month any of the Superior Courts of Law or Equity or any Judge thereof, or any Judge of a County Court shall without money being brought into court refer the bill and the demand thereon to be taxed by the proper officer of any of the Courts in the county in which any of the business charged for in such bill was done, and the Court or Judge making such reference shall restrain the bringing any suit for such demand pending the reference." Taxation of costs.

14. That the second section of the Act passed in the twenty-eighth year of Her Majesty's reign, chaptered nineteen, be amended by erasing the figure "4" in the fourth line of such section and substituting therefor the figure "9." 28 V., c. 19, s. 2,—Interpleader Act amended.

15. The several County Courts of this Province shall hold four terms in each year, to commence respectively on the first Monday in the months of January, April, July and October in each year, and end on the Saturday of the same week; Provided always, it shall not be necessary for the Sheriff or his officers to attend the sittings of said Court in Term. County Court Terms, time of. Sheriff not to attend.

16. The sittings of the said County Courts, for the trial of issues of fact and assessment of damages, shall be held semi-annually, to commence on the second Tuesday in the months of June and December in each year, except the County Court of the County of York, which last mentioned Court shall hold three such sittings in each year, to commence respectively on the second Tuesday in the month of March, June and December in each year. County Court sittings.

17. Sections two and three of the "Law Reform Act of 1868," are hereby repealed. 32 Vic., c. 6, ss. 2 and 3 repealed.

18. Section seven of the "Law Reform Act of 1868" is hereby amended by substituting the word "June" for "July" in the tenth line of the said section seven. 32 Vic., c. 6, s. 7 amended.

CAP. XIII.

An Act to make valid certain Commissions for taking Affidavits issued by the Court of Queen's Bench.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS the Judges of the Court of Queen's Bench for Upper Canada, did under and by virtue of the powers vested in them by an Act of the Legislature of the late Province of Upper Canada, passed in the second year of the reign of his late Majesty King George the Fourth, issue or cause to be issued commissions constituting and appointing commissioners to take and receive recognizances of bail and affidavits, and some of such commissions were informally issued without the seal of the court as required by the said Act; and whereas the said commissioners have under and by virtue of the said commissions taken affidavits of the due execution of deeds which have been thereupon registered, and it is necessary to legalise the said commissions, and all acts, matters, and things otherwise lawfully done thereunder, and to authorize the clerk of the said court to attach the seal thereof to the said commissions: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Seals to be attached to commissions upon production.

1. The Clerk of the Court of Queen's Bench of the Province of Ontario, shall on production thereof, for such purpose, duly attach the seal of the said Court to the said Commissions.

Commissions upon being sealed to be valid.

2. Such commissions upon being duly sealed as aforesaid shall be deemed to have been legally issued, and all affidavits or recognizances of bail taken and received by the said commissioners, under and by virtue of such commissions, shall be deemed to have been legally taken and received, and all affidavits sworn before the said commissioners, for the purpose of registering any deed or other instrument, shall be deemed to have been legally sworn, notwithstanding that such commissions were informally issued without the seal of the court; Provided always, that nothing herein contained shall avoid any legal proceeding pending or had and determined previous to the passing of this Act.

Proviso.

CAP. XIV.

An Act respecting Affidavits, Declarations, and Affirmations made out of the Province of Ontario for use therein.

[Assented to 15th February, 1871.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The Act of the former Province of Canada, passed in the twenty-sixth year of the reign of Her Majesty, chaptered forty-one, is hereby repealed so far as the same applies to this Province, except as to commissions heretofore issued thereunder, and all proceedings had or to be had by virtue of such commissions, and as to the provisions of the said Act in relation thereto, and the application of the seventh section of the said Act to any affidavit, declaration or affirmation now or hereafter to be sworn, made or taken under the authority of such commissions.

26 V., ch. 41
repealed except as to commissions issued and proceedings thereunder.

2. The Lieutenant-Governor in Council may, by one or more commission or commissions, under his hand and seal, from time to time, empower such and as many persons as he may think fit and necessary to administer oaths and take and receive affidavits, declarations and affirmations without the Province of Ontario, in, or concerning any cause, matter or thing depending or in anywise concerning any of the proceedings to be had in the Courts of Queen's Bench and Common Pleas, and the Court of Chancery, or any other court of law or equity of record in this province, whether now existing or hereafter to be constituted; and every oath, affidavit, declaration, or affirmation taken or made as aforesaid shall be as valid and effectual, and shall be of the like force and effect to all intents and purposes as if such oath, affidavit, declaration or affirmation had been administered, taken, sworn, made or affirmed before a commissioner for taking affidavits therein or other competent authority of the like nature.

Lieutenant-Governor in Council may appoint Commissioners for taking affidavits, etc., without Ontario.

Effect of such affidavits, etc.

3. The commissioners so to be appointed shall be styled "Commissioners for taking affidavits in and for the Courts in Ontario."

Style of commissioners.

4. Oaths, affidavits, affirmations or declarations administered, sworn, affirmed or made out of the Province of Ontario, before any Commissioner authorized by the Lord Chancellor to administer oaths in Chancery in England, or before any Notary Public certified under his hand and official seal, or before the Mayor or Chief Magistrate of any city, borough or town corporate

Affidavits to be used in Ontario may be made before certain functionaries in the United Kingdom or foreign parts.

rate

rate in Great Britain or Ireland, or in any colony of Her Majesty without Canada, or in any foreign country, and certified under the common seal of such city, borough, or town corporate, or before a Judge of any court of supreme jurisdiction in any colony without Canada belonging to the Crown of Great Britain, or any dependency thereof, or Consular Agent of Her Majesty exercising his functions in any foreign place, for the purposes of and in or concerning any cause, matter or thing depending or in any wise concerning any of the proceedings to be had in the said courts, shall be as valid and effectual and shall be of like force and effect to all intents and purposes as if such oath, affidavit, affirmation or declaration had been administered, sworn, affirmed or made in this Province before a Commissioner for taking affidavits therein or other competent authority of the like nature.

Seal and signature to such affidavits need not be proved.

5. Any document purporting to have affixed, impressed, or subscribed thereon or thereto the signature of any such Commissioner, or the signature and official seal of any such Notary Public, or the seal of the corporation, and the signature of any such Mayor or Chief Magistrate as aforesaid, or the seal and signature of any such Judge, Consul, Vice-Consul, Acting-Consul, Pro-Consul, or Consular Agent in testimony of any such oath, affidavit, affirmation, or declaration having been administered, sworn, affirmed or made by or before him shall be admitted in evidence without proof of any such signature, or seal and signature, being the signature or the seal and signature of the person whose signature or seal and signature, the same purport to be, or of the official character of such person.

Such affidavits, etc., may be used for registration.

6. Any affidavit, declaration, or affirmation proving the execution of any deed, power of attorney, will or probate, or memorial thereof, or other instrument for the purpose of registration in this province, may be made before a Commissioner appointed under this act, or other person authorized hereby to administer or take oaths, affidavits, declarations, and affirmations.

Informal headings, etc., not to invalidate.

7. No informality in the heading, or other formal requisites to any affidavit, declaration, or affirmation, made or taken before any Commissioner, or other person under this act, shall be any objection to its reception in evidence, if the Court or Judge before whom it is tendered think proper to receive it.

CAP. XV.

An Act to make the Members of the Law Society of Ontario elective by the Bar thereof.

[Assented to 15th February, 1871.]

WHEREAS it is expedient that a change be made in the Preamble.
 manner of the election of Benchers of the Law Society
 and petitions have been presented, praying for the same: There-
 fore Her Majesty, by and with the advice and consent of the
 Legislative Assembly of the Province of Ontario, enacts as
 follows:—

1. The fourth section of the Act of the Consolidated Statutes Con. Stat.
 for Upper Canada, chaptered thirty-three, intituled, "An Act re- U.C.c. 33, s. 4, &
 specting the Law Society of Upper Canada," is hereby repealed. repealed.

2. The present Benchers shall hold office, and continue with Present
 all their duties and powers unimpaired, until the first day of Benchers and
 Easter Term, in the year of our Lord one thousand eight hun-
 dred and seventy-one, as if the said fourth section had not been
 repealed; and all by-laws, resolutions, rules and regulations of by-laws con-
 the Law Society at present existing, or which shall be passed by tinued.
 the present Benchers until the said first day of Easter Term, in
 the year of our Lord one thousand eight hundred and seventy-
 one, except so far as the same are or shall be inconsistent with
 this Act, shall remain in full force and effect until altered by
 the Benchers to be appointed as hereinafter provided for.

3. On the first day of Easter Term, one thousand eight hun- Benchers to
 dred and seventy-one, the present Benchers, except as hereinafter be thirty in
 provided, shall cease to hold office, and from and after that day number.
 the Benchers of the Law Society, exclusive of *ex-officio* members,
 shall be thirty in number, to be elected as hereinafter provided

4. The Attorney-General for the time being of the Province Ex-officio
 of Ontario, and all members of the Bar of Ontario, who shall Benchers.
 have at any time held the office of Attorney-General for the
 Province of Ontario, or of Attorney-General or Solicitor-Gener-
 al for that part of the late Province of Canada, formerly Up-
 per Canada, and any retired Judge or Judges of the Superior
 Courts of Law or Equity for the Province of Ontario, shall re-
 spectively *ex-officio* be Benchers of the Society.

5. For the purpose of the election of the remaining thirty Who may
 Benchers, each member of the Bar, not hereinafter declared in- vote.
 eligible as an elector, may vote for thirty persons.

6. Such votes shall be given by closed voting papers, in the Votes to be
 form

given by
voting papers.

form in schedule "A" of this Act, or to the like effect, being delivered to the Secretary of the Law Society on the first Wednesday of April of the year proper for such election, or during the Monday and Tuesday immediately preceding. Any voting papers received by the said Secretary by post during said days, or during the preceding week, shall be deemed as delivered to him.

Scrutineers.

7. The said voting papers shall, upon the Thursday following, be opened by the Secretary of the Law Society in the presence of the scrutineers, to be appointed as hereinafter mentioned, who shall scrutinize and count the votes, and keep a record thereof in a proper book, to be provided by the said Society.

Persons receiving the most votes to be elected.

8. The thirty persons who shall have the highest number of votes shall be Benchers of the said Law Society for the next term.

*Who may be present at opening of voting papers.

9. Any person entitled to vote at such election shall be entitled to be present at the opening of the said voting papers.

Equality of votes.

10. In case of an equality of votes between two or more persons, which leaves the election of one or more of such Benchers undecided, then the said scrutineers shall forthwith put into a ballot-box a number of papers, with the names of the candidates having such equality of votes written thereon, one for each candidate, and the Secretary of the said Society shall draw by chance from such ballot-box, in the presence of the said scrutineers, one or more of such papers sufficient to make up the required number, and the persons whose names are upon such papers so drawn shall be such Benchers.

Voters to pay their bar fees.

11. No person shall be entitled to vote as an elector at such election unless all his bar fees to the Law Society have been paid as in the following section mentioned.

List of voters.

12. The Secretary of the Law Society shall, on the first day of the term previous to the time for any election, make out an alphabetical list or register of the members of the Bar who are entitled to vote at the succeeding election, and such register may be examined by any member of the said Society at all reasonable times, at the office of the said Secretary; and no person whose name is not inserted in the said list shall be entitled to vote at any election under this Act; Provided always, that in case any member of the said Society complains to the said Secretary, in writing, of the improper omission or insertion of any name in the said list, it shall be the duty of the Secretary of the said Society forthwith to examine into the said complaint and rectify such error if any there be; and in case any person is dissatisfied with the decision of the said Secretary, he may appeal to the persons who have been appointed to act as scrutineers for the next election thereafter, and the decision of such scrutineers shall be final, and such list shall remain or be altered in accordance

Complaints of errors in the list to be made to the Secretary,

with an appeal to the scrutineers.

with

with such decision; and the Secretary shall add to such list the names of all persons who have been called to the Bar during the term previous to such elections; and no alterations shall be made to such list except as is provided in this section; and the said list, as it shall stand revised upon the last Monday of the said last-mentioned term, shall be held to be the register of persons entitled to vote at the next election; and no person shall be entitled to vote thereat unless his name is contained in such register; but for the purposes of the first election the said list or register shall be prepared by the said Secretary on or before the fifteenth day of March next, and the same shall be subject to inspection, correction and revision in the manner hereinbefore provided, until the first day of April following.

13. Any votes cast for any person who is ineligible to be a Void votes.
Bencher, or who is a Bencher *ex officio* shall be null and void; and the election shall be declared as if such votes had not been cast.

14. No person shall be eligible as a Bencher at any election who is not qualified to vote at such election. Qualification of Benchers.

15. Upon the completion of the scrutiny the said Secretary shall forthwith declare the result of said election and report the same to the said society, and shall cause the names to be published in the next two issues of the *Ontario Gazette*. Declaration of election.

16. The Benchers of the said Law Society shall, during the term next preceding such election, appoint two persons, who, with the Treasurer, shall act as scrutineers at the next election; and the said Benchers shall also, during the said preceding term, appoint a third person, who shall act for and as the Treasurer, in case he should be absent during such meeting. Appointment of scrutineers

17. The first of said elections shall be held on the first Thursday in April, one thousand eight hundred and seventy-one, and the subsequent elections shall be held on the first Thursday after the first Wednesday in April of every fifth year thereafter; but in case the scrutineers are unable to complete the scrutiny upon such day, the same shall be continued from day to day until the election is declared; in case any scrutineer is absent during such scrutiny the others may nevertheless proceed therewith. Election, when to be held.

18. In the event of any elector placing more than thirty names on his voting paper, the first thirty only shall be taken, notwithstanding any of such thirty persons so named may be ineligible for election from any cause whatever. Voting for more than thirty members.

19. The members of said society may make such regulations as they consider expedient, not contrary to the provisions of the Regulations for elections
Act

and remuneration to scrutineers.

Act, for regulating the procedure under section twelve of this Act, and for the remuneration of the scrutineers appointed under this Act.

Voting papers to be kept.

20. The said voting papers belonging to any election shall not be destroyed until after all petitions in respect to such election have been decided, but the same shall together with all other papers in connection with the said election, be retained by the Secretary.

False voting.

21. No person shall sign the name of any other person to any voting paper, under this Act, or alter, or add to, or falsify, or fill up any blank in any voting paper signed by another person, or deliver, or cause to be delivered, or send or cause to be sent, by post or otherwise, to the said Secretary, any such false voting paper, or any voting paper which has been added to, falsified, or in which any blank has been filled up after the same was signed.

Absence of Secretary.

22. In the event of there being no Secretary for the time being of the Law Society at the time at which any election under this Act is to be held, or in the event of such Secretary being unable from illness or other unavoidable cause to act at such elections, then and in such case the Treasurer for the time being of the Law Society shall appoint under his hand some other person to act as such Secretary, and such person so appointed shall perform all the duties of such Secretary, as prescribed by this Act.

Term of office of Benchers.

23. The persons so elected Benchers as aforesaid shall take office on the first day of Easter Term following their election, and shall hold office until the beginning of the Easter Term which shall be the fifth after they shall have entered on their said office, or till the election of their successors; Provided always, that the seat of any Bencher who shall have failed to attend the meetings of the Benchers for three consecutive terms; shall at the expiration of the said period become vacant.

Proviso.

Committee on election petitions.

24. It shall be competent for the majority of the Benchers present at any meeting in the first Easter Term after their election, to appoint a committee of their number to enter upon an enquiry with respect to the due election of any of the said Benchers whose election or elections may be petitioned against by any member of the Bar who voted at the election of such Bencher or Benchers, and after such enquiry, to report such Bencher or Benchers as duly or not duly elected or qualified according to the fact, and if necessary, to report the name or names of the next in order of votes of the duly qualified Members of the Bar, in lieu of the person or persons petitioned against and reported not duly elected or qualified; and on the confirmation of the said report by the majority of Benchers (other than those petitioned against) present at any meeting for that

that purpose, the person or persons so reported in lieu of those petitioned against as aforesaid, shall be taken and deemed to be the duly elected and qualified Benchers or Benchers.

25. No petition against the return of any Benchers shall be entertained unless such petition shall be filed with the Secretary of the Law Society at least ten days before the first day of Easter Term next succeeding such election, and shall contain a statement of the grounds on which such election is disputed, and unless a copy of such petition be served upon the Benchers whose election is disputed at least ten days before the first day of the said Easter Term; and no grounds not mentioned in the petition shall be gone into on the hearing of such petition.

Time for filing election petitions.

Contents of petitions.

26. On any such notice being duly filed as aforesaid, the Benchers shall during the first week of the Easter Term succeeding such election, appoint a day for the hearing of such petition, and give notice of such day to the petitioner and to the person whose return is disputed; provided that all such petitions shall be finally disposed of during the said Easter Term.

Hearing petitions.

27. On the hearing of any such petition the Benchers shall have power to examine witnesses under oath; and a summons under the hand of the Treasurer of the Law Society or under the hand of three Benchers, for the attendance of a witness, shall have all the force of a subpoena; and any witness not attending in obedience thereto, shall be liable to attachment in either of the Superior Courts.

Powers of benchers on hearing petitions.

28. Any person petitioning against the return of any Benchers shall deposit with the Secretary of the Law Society the sum of one hundred dollars to meet any costs which such Benchers shall be put to in the opinion of the Committee before which such petition shall be heard; and such Committee shall have power in the event of such petition being dismissed, to award such sum to be paid to the Benchers petitioned against as in their opinion is just; and shall have power in their discretion in the event of such Benchers being decided to be not duly elected or qualified, to award costs to the petitioner; and the costs so awarded shall be recoverable in any Court of competent jurisdiction.

Petitioners to deposit \$100 with secretary for costs.

Power of committee as to costs.

29. The Benchers shall, on the first meeting after their election, proceed to elect one of their body as Treasurer, who shall be the President of the Society, and shall have all such statutory powers as are at present possessed by the Treasurer of the Law Society; and such Treasurer shall hold office until the appointment of his successor; and the election of Treasurer shall take place on the first Saturday of Easter Term in every year; provided that the retiring Treasurer shall be eligible for re-election.

Election of Treasurer.

Duration of his office.

30. In case of the failure in any instance to elect the requisite number of duly qualified Benchers, according to the provisions

Vacancies among

benchers, how
filled up.

sions of this Act, or in case of any vacancy caused by the death or resignation of any Benchers, or by any other cause, then it shall be the duty of the remaining Benchers, with all convenient speed, at a meeting to be specially called for the purpose, and to be held during the next term thereafter, to supply the deficiency in the number of Benchers failed to be elected as aforesaid, or caused by any of the means aforesaid, by appointing to such vacant place or places, as the same may occur, any person or persons duly qualified under the provisions of this Act to be elected as a Benchers; and the person or persons so elected shall hold office for the residue of the period for which the other Benchers have been elected.

Retiring
benchers re-
eligible

31. At all elections to take place under this Act, all retiring Benchers shall be re-eligible.

SCHEDULE "A."

LAW SOCIETY ELECTION, 18 .

I, _____, of the _____,
in the county of _____, Barrister-at-Law, do hereby
declare—

1. That the signature affixed hereto is my proper handwriting.

2. That I vote for the following persons as benchers of the Law Society :—

A B., of the _____,	in the county of _____
C. D., of the _____,	in the county of _____
E. F., of the _____,	in the county of _____
G. H., of the _____,	in the county of _____
I. J., of the _____,	in the county of _____

3. That I have signed no other voting paper at this election.

4. That this voting paper was executed on the day of the date thereof.

Witness, my hand, this _____ day of _____,
A.D. 18 _____

CAP. XVI.

An Act respecting Commissioners of Police.

[Assented to 15th February, 1871.]

WHEREAS by an Act of the Parliament of the Dominion of Canada, passed in the thirty-first year of the reign of Her Majesty Queen Victoria, chaptered seventy-three, and intituled "An Act respecting Police of Canada;" the Governor General in Council is authorized to appoint by commission under the great seal of the Dominion one or more fit and proper persons to be and act as a Commissioner or Commissioners of Police within one or more of the Provinces of Canada; and it is desirable and expedient the better to enable such Commissioner or Commissioners of Police so appointed to execute the Criminal Laws of the Dominion, that they should have proper Criminal jurisdiction granted to them within this Province; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Preamble.

1. Any Commissioner of Police duly appointed under the great seal of Canada to be and act as such within the Province of Ontario under and by virtue of the Act aforesaid, and who shall be authorized in that behalf by commission from the Lieutenant-Governor under the great seal of this Province, shall have and exercise within the several Counties, Judicial Districts, Provisional Judicial Districts, or Territorial Districts within this Province, all the powers and authority, rights and privileges, by law appertaining to Police Magistrates of Cities, and all the powers and authority, rights and privileges appertaining to Justices of the Peace generally; and shall be subject in all respects except as otherwise provided by this Act, to the requirements of the law of this Province respecting Police Magistrates and the office of Justice of the Peace: But it shall not be necessary for any Commissioner of Police as aforesaid, to possess any property qualification or to be actually resident within any county or other territorial division for which the administration of criminal justice is provided, nor shall it be necessary for any such Commissioner of Police to take or subscribe any oath of allegiance or of office within any such county or district.

Powers of Commissioners of Police

Qualification of Commissioners.

2. The Police Constables appointed or employed by such Commissioner of Police, shall be charged with all the powers, rights and responsibilities which belong by law to constables duly appointed in this Province, and they shall be subject to such Commissioner of Police and liable to all the responsibilities, forfeitures and penalties provided by or expressed in the said Act respecting Police of Canada.

Police Constables.

Commissioners and Constables to have no authority in municipal matters.

3. The said Commissioner or Commissioners of Police, and the said Police Constables notwithstanding, anything herein to the contrary, shall have no power or authority, as regards offences against Municipal by-laws, or as such with any other purely Municipal matters; and this Province shall not be liable to any charge for the maintenance of such Commissioner of Police or Police Constables.

Revocation of Commissions.

4. In case the Lieutenant-Governor shall revoke any Commission issued by him under this Act, the authority of any such Commissioner and of any Constable appointed by him, as far as the same are given under or by virtue of this Act, shall forthwith cease.

CAP. XVII.

An Act to provide for the establishment and government of a Central Prison for the Province of Ontario.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS from defective construction, insufficient accommodation, both as regards internal arrangements and exterior surroundings, the entire absence of the means of enforcing hard labour, the want of an adequate staff of officers and other causes, it is found that the common gaols of this Province, and the present system of prison administration, has little, if any, deterrent or reformatory influence on criminals; and whereas it is expedient to remedy these and other defects, and at the same time make provision for more effective discipline, a better classification of prisoners, as well as for their religious and secular instruction, by the establishment of a prison of a character intermediate between the common gaols and the Dominion penitentiary: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Lieut.-Governor may acquire site for central prison.

1. The Lieutenant-Governor may purchase and acquire for the public use of the Province a suitable place within the Province; all such lands and real estate as may be necessary for the purposes of this Act; and may cause to be erected thereon proper and suitable buildings, to be known as "The Central Prison," to be used for the reception, confinement, employment and reformation of such criminals or offenders as are hereinafter mentioned.

Name of prison.

2. The said prison shall be called "The Central Prison for the Province of Ontario."

3. As soon as the said central prison shall be constructed and completed, in accordance with the plans approved of by the Inspector of gaols and reformatories, and sanctioned by the Lieutenant-Governor in Council, the said Inspector shall report the same to the Lieutenant-Governor, whereupon the Lieutenant-Governor may, by proclamation, declare the same to be the central prison for the Province, as hereinbefore provided.

On completion of prison, proclamation to issue.

4. The said central prison shall be furnished with all requisite means for enforcing the performance of hard labour by the inmates thereof; and solitary confinement shall form part of the discipline thereof.

Hard labour and solitary confinement.

5. The Lieutenant-Governor may appoint for said central prison a warden, a surgeon, a school master, an accountant, a matron and such other officers and servants as may be necessary, to hold office respectively during pleasure; and may also fix and determine the salary of every such officer and servant.

Appointment of certain officers.

6. The Inspector appointed or to be appointed under the first clause of "The Prison and Asylum Inspection Act, 1868," shall, by virtue of his office, be the inspector of the prison to be erected under the authority of this Act, and shall have the same powers in respect of such last mentioned prison as are conferred upon him in respect of the Provincial reformatory by the said "Prison and Asylum Inspection Act, 1868."

Inspector of prisons to be *ex-officio* inspector of central prisons.

7. The Inspector shall have power, and it shall be his duty to make rules and regulations for the management, discipline, and police of the said central prison, and for fixing and prescribing the duties and conduct of the wardens, and every other officer or servant employed therein, and for the diet, clothing, maintenance, employment, classification, instruction, discipline, correction, punishment and reward of persons confined therein, and to annul, alter and amend the same from time to time; Provided always, that no such rule or regulation shall have any effect until and unless it be first approved of by the Lieutenant-Governor in Council.

Inspector to make rules, &c.

8. The Inspector shall have power summarily to suspend any of the officers or servants of the said central prison for misconduct, until the circumstances of the case (of which the Lieutenant-Governor shall be at once notified) have been decided upon by the Lieutenant-Governor, and the Inspector may, until such decision shall have been intimated to him, cause any officers or persons so suspended to be removed beyond the precincts of the prison; and it shall be the duty of the said Inspector to recommend the removal of any of the above named officers or servants whom he finds incapable, inefficient or negligent in the execution of his duty, or whose presence in such central prison he may deem injurious to the interests thereof; and the pay of every

Powers of Inspector over officers of the prison.

every officer or servant so suspended shall cease during the period of such suspension.

Power of Inspector to impose fines on officers of the prison.

9. The Inspector may impose a fine, payable in money, upon any officer or servant of such central prison for any act of negligence, carelessness or insubordination by him committed, of reasonable amount, not exceeding one month's pay of such officer or servant, as the Inspector may think fit.

Inspection of prison by Inspector.

10. The Inspector shall have power at all times to enter into such central prison, and have access to every part thereof, and to examine all papers, documents, vouchers, records, books and other things belonging thereto; and to investigate the conduct of any officer or servant employed in or about such central prison, or of any person found within the precincts thereof, and may summon any person before him by order under his hand, and examine such person under oath, touching any matter relating to any breach of the rules of such central prison, or any matter affecting the interests of the institution; and may by the same or like order compel the production of books, papers and writings before him; and any person who shall neglect or refuse to appear at the time and place specified in such order, having been duly served with a copy thereof, or shall refuse to give evidence, or to produce the books, papers or writings demanded of him, may be taken into custody by virtue of a warrant under the hand of the Inspector in that behalf, and imprisoned in the common gaol of the locality, as for contempt of court, for a period not exceeding fourteen days.

Oath to be taken by certain officers.

11. It shall also be the duty of the Inspector to audit the accounts of the Warden of such central prison; to enquire into all money transactions when requisite; to demand and obtain a statement of all cash transactions of such prison every month; and to administer to the warden and accountant an oath or affirmation to the effect following, viz.:

Form.

I, _____, warden, and I, _____, accountant, of the central prison of this Province, make oath (or affirm and say), that the foregoing statement of revenue and expenditure of the said central prison for the month of _____, 18____, is true and correct.

Lieut.-Governor may acquire additional lands.

12. The Lieutenant-Governor may cause to be procured and provided, adjacent to or surrounding such central prison, a tract of land fit for agricultural or mechanical purposes, not exceeding two hundred acres for such prison, and may cause the same to be securely enclosed.

Persons undergoing sentences may be employed in building central prisons.

13. The Lieutenant-Governor, upon the report of the Inspector that the central prison building is in such a condition that the same may be safely used for the confinement of prisoners, may, by order in council, declare the same; and thereafter the said

said prison shall be held to be the central prison, established under this Act, for all purposes except those set out in the fifteenth section, and the Lieutenant-Governor may from time to time thereafter order and direct that all or any of the persons undergoing sentence of imprisonment in the common gaols of this Province may be employed, under such regulations as may be provided in that behalf, upon, in and about the building and erection of the said central prison, or in and about such other remunerative labour or employment as may be deemed expedient.

14. After any proclamation shall have been issued, declaring such central prison to be the central prison of the Province, or such order in council made, all persons then or thereafter confined in any of the common gaols of the Province, under sentence of imprisonment for any offence, may by direction of the Provincial Secretary be transferred from such common gaols respectively to such central prison, there to be imprisoned for the unexpired portion of the term of imprisonment to which any such person was originally sentenced or committed to such common gaols respectively; and such persons shall thereupon be imprisoned in such central prison for the residue of the said respective terms, and shall be subject to all the rules and regulations of such central prison.

When proclamation issued prisoners to be transferred from common gaol to central prison.

15. Every court of criminal jurisdiction in this Province, before whom any person shall be convicted of an offence punishable by imprisonment in the common gaol, may, after this Act takes effect, sentence such offenders to imprisonment in the central prison instead of the common gaol of the county where the offence was committed or was tried.

Convicted persons may be sentenced to central prison instead of common gaol.

16. Every person convicted before one or more justice or justices of the peace, or by a police magistrate, of any offence cognizable by such justice or justices, or police magistrate, and for which punishment by imprisonment in the common gaol may be awarded, for any period not less than fourteen days, and committed to a common gaol under such conviction, may be removed and transferred by order of the Provincial Secretary from such common gaol to the central prison, and there imprisoned for the unexpired portion of his sentence in the central prison instead of the common gaol of the county.

Conviction by justices.

17. The Lieutenant-Governor, by order in council, may from time to time authorize, direct or sanction the employment upon any specific work or duty, without or beyond the walls or limits of such central prison, of any of the prisoners confined or sentenced to be imprisoned therein; and all such prisoners shall, during such last mentioned employment, be subject to all the provisions of this Act, and to all the rules, regulations and discipline of the said central prison, so far as the same may be applicable, and to such other regulations for the purpose of preventing

Employment of prisoners without the precincts of the prison, under certain regulations.

venting escapes and otherwise, as may be approved by the Lieutenant-Governor in that behalf; Provided that when any such prisoner or prisoners shall be so employed without the walls or limits of such central prison, it shall only be done under the strictest care and supervision of officers appointed to that duty.

Prisoners may be transferred from one prison to another, and to or from the Provincial reformatory.

18. The Lieutenant-Governor may from time to time, by warrant, signed by the Provincial Secretary, or by such other officer as may be authorized by the Lieutenant-Governor in council in that behalf, direct the removal of any offender from the central prison to the Provincial reformatory or to the Dominion penitentiary, or from the central prison back to the common gaol, or from the said reformatory to the central prison.

Wardens and gaolers to deliver up prisoners for removal.

19. The Warden of the central prison or reformatory, or the keeper of any common gaol, having the custody of any convict or offender ordered to be removed, shall, when required so to do, deliver up the said convict or offender to the constable or other officer or person who shall produce the said warrant, together with a copy, attested by the said Warden, of the sentence and date of conviction of such convict or offender, as given him on the reception of the party into his custody.

Record to be kept with view to mitigation of sentence.

20. In order to encourage good behaviour and industry, it shall be lawful for the Inspector to make rules so that a correct record of the conduct of every inmate of such prison may be made, with a view to permit such criminal to earn a remission of a portion of the term for which he is sentenced to be confined.

Conveyance of prisoners to central prison.

21. The Sheriff or Deputy Sheriff of any county, or any Bailiff, Constable or other Officer or person, by his direction, or by direction of the court, or other lawful authority may convey to the central prison any convict sentenced or liable to be imprisoned therein, and deliver him to the warden or keeper thereof, without any further warrant than a copy of the sentence, taken from the minutes of the court before which the offender was tried, and certified by a judge, or the clerk, or acting clerk of such court.

Powers of Sheriff, etc., on that behalf.

22. The Sheriff, or other officer or person employed by competent authority to convey any such offender to the central prison, or from one central prison to another, or to or from the provincial reformatory, penitentiary, or common gaol, as hereinbefore provided, may secure and convey him through any county or district through which he may have to pass; and until such offender shall have been delivered to the Warden of such central prison, reformatory, or penitentiary, or the keeper of such common gaol, the said Sheriff, or other officer or person, shall have in every part of this Province, through which it may be necessary to convey such offender, the same power and authority over and with regard to such offender, and to command

command the assistance of any person to prevent his escape, and in recapturing him, in case of an escape, as the Sheriff of the county in which he was convicted would himself have in conveying him from one part to another of that county.

23. The said Sheriff, or other officer or person, shall give a receipt to the said Warden or Gaoler for the said convict or offender, and shall thereupon, with all convenient speed, convey and deliver up such convict or offender with the said attested copy into the custody of the Warden of the central prison, reformatory, penitentiary or common gaol mentioned in the said warrant, who shall give a receipt in writing for every convict or offender so received into his custody, to such Sheriff or other officer or person, as his discharge; and the convict or offender shall be kept in custody in the central prison, reformatory, penitentiary or common gaol, to which he has been so removed, until the termination of his sentence, or until his pardon, or release, or discharge by law, unless he be in the meantime again removed under competent authority.

24. The Warden shall receive into the central prison every offender legally certified to him as sentenced to imprisonment therein, and shall there detain him, subject to all the rules, regulations and discipline thereof, until the time to which he has been sentenced shall be completed, or until he shall be otherwise discharged in due course of law.

25. The Warden of the central prison shall reside within such prison, and shall be the chief executive officer of the same, under the direction of the Inspector, and as such shall have the entire execution, control and management of all its affairs, subject to the rules, regulations and written instructions from time to time duly made by the Inspector, and approved by the Lieutenant-Governor in Council, and he shall be held responsible for the faithful and efficient administration of the offices of every department of the institution.

26. Every Warden, Accountant, Storekeeper and Steward of the central prison shall severally execute to Her Majesty a bond, with sufficient sureties, conditioned for the faithful performance of the duties of their respective offices, according to law, in the respective sums following, that is to say:—

1. The Warden in	\$8,000	Amount.
With two sureties in (<i>each</i>).....	4,000	
2. The Accountant, Storekeeper and Steward,		
each.....	4,000	
With two sureties (<i>each</i>) in.....	2,000	

Which bond shall be filed in the office of the Provincial Secretary and Registrar.

To take oath
of allegiance
and the follow-
ing oath.

27. Every Warden, Officer or Servant employed permanently in the central prison, shall severally take and subscribe, in a book to be kept for that purpose by the accountant at his office, the oath of allegiance to Her Majesty, and the following oath of office, viz:—

Form.

“I (A.B.), do promise and swear (*or affirm*,) that I will faithfully, diligently and justly serve and perform the office and duties of _____ in the central prison of this Province to the best of my ability, and that I will carefully observe and carry out all the regulations of the said prison, so help me God.”

By whom
administered.

Which oath may be administered by the Inspector, or, in the case of any other of the said officers, by the Warden.

Warden, &c.,
not to be in-
terested in any
prison con-
tract.

28. No Inspector, Warden, or other officer or servant employed in such central prison, shall either in his own name, or in the name of, or in connection with any other person, provide, furnish or supply any materials, goods or provisions, for the use of any such central prison; nor shall be concerned, directly or indirectly, in furnishing or supplying the same, or in any contract relating thereto, under pain of forfeiting one thousand dollars, with full costs of suit, to any person who shall sue for the same in any court of competent jurisdiction in this Province, one-half thereof to belong to Her Majesty for the public services of this Province.

Penalty.

Officers not to
be engaged in
any other busi-
ness.

29. No Warden, Officer or Servant, except the Surgeon, shall be allowed to carry on any trade or calling of profit or emolument in such central prison; nor shall any such officer buy from or sell to any convict in the said prison anything whatever; or take or receive to his own use, or for the use of any other person, any fee, gratuity or emolument from any prisoner or visitor, or any other person; nor employ any convict in working for him.

No vessel to
moor within
300 feet with-
out permis-
sion, under
penalty.

30. No raft, boat, vessel or craft of any kind, shall be moored or anchored within three hundred feet of the shore or wharf bounding the lands of such central prison, without the permission of the Warden thereof being first had and obtained; and any person violating the provisions of this section shall, upon conviction thereof before a justice of the peace, be subject to a penalty of twenty dollars, to be levied in the usual manner upon such raft, boat, vessel or other craft, in whomsoever the property thereof may be, as well as on the proper goods and chattels of the offender; and in default of the payment of the same with costs of suit, such offender shall be imprisoned at hard labor for any period not exceeding two months.

No liquors,
tobacco, etc.,
be admitted.

31. No spirituous or fermented liquors shall, on any pretence whatever, be brought into the central prison for the use of any officer

officer or person in the institution, except the Warden, or for the use of any convict confined therein (except under the rules of the institution); and any person giving any spirituous or fermented liquors, or tobacco, or snuff, or cigars, to any convict, (except under the rules of the institution,) or conveying the same to any such convict, shall forfeit and pay the sum of forty dollars to the Warden, to be by him recovered for the use of the prison, in any court of competent jurisdiction.

32. The female convicts or prisoners shall be kept distinct and secluded from the male convicts, and shall be under the charge of the matron. Females to be kept separate from males.

33. The central prison shall contain not less than fifty penal cells, for the separate and solitary confinement of such prisoners as may have been sentenced to solitary confinement, or for enforcing obedience to the rules and discipline of the said prisons. Cells for solitary confinement.

34. The central prison to be established under the authority of this Act, shall be held to include all the land and real estate procured or acquired under the second and fourteenth sections of this Act; and all buildings and machinery erected or used thereon, and all carriages, waggon, sleighs or other vehicles for land carriage, and all boats, scows and other vessels for water carriage, being the property of such central prison, or employed in its service, and the real property of every such prison, and every other property or description of property belonging thereto, shall be and remain vested in Her Majesty, her heirs and successors; but the Warden for the time being shall have the custody and care thereof, under such regulations as may be provided in that behalf; and all such property, real and personal, shall be exempt from taxation for municipal purposes. Property belonging to central prison vested in Her Majesty, exempt from taxation.

35. The Inspector of prisons shall be a corporation sole, known by the name of "The Inspector of Prisons for Ontario," and by that name he and his successors in office shall have perpetual succession, and may sue and be sued, may plead and be impleaded in any of Her Majesty's courts in this Province. Inspector to be a corporation sole.

36. All dealings and transactions on account of the said central prison, and all contracts for goods, wares or merchandise, necessary for maintaining and carrying on the said institution, or for the sale of goods prepared or manufactured in such central prison, or for the hire, labour or employment of any of the prisoners, either within or without the limits of such central prison, shall be entered into and carried out in the corporate name of the said inspector on behalf of Her Majesty. Contracts how to be made.

37. All books of account, and other books, bills, registers, returns, receipts, bills of parcels and vouchers, and all other papers and documents of every kind relating to the affairs of the Books of account, &c., to remain in each prison.

the

Official reports
to be pre-
served, &c.

the said central prison, shall be considered the property of such prison, and shall remain therein; and the warden of such central prison shall preserve therein at least one copy of all official reports made to the Legislature respecting the same, for which purpose, and for the purpose of enabling him to distribute such official reports in exchange for like documents from other similar institutions abroad, he shall be furnished by the clerk of the Legislative Assembly, on application, with fifty copies of such reports as printed by the said Legislative Assembly.

Prisoner not to
be discharged
on a Sunday.

38. Whenever the time of any prisoner's sentence in the said central prison shall expire on a Sunday, he shall be discharged on the previous Saturday, unless he desires to remain until the Monday following.

Prisoners
labouring
under certain
diseases not to
be discharged
until cured.

39. No prisoner shall be discharged from such central prison at the termination of his sentence, if then labouring under any cutaneous or infectious disease, or under any acute or dangerous illness, but he shall be permitted to remain in such prison until he recovers from such disease or illness; Provided that any convict or prisoner remaining from any such cause in any such central prison, shall be under the same discipline and control as if his sentence were still unexpired.

Escape, etc.,
punishable
according to
the rules of
the prison.

40. Any escape, prison breach or attempt to escape by any person confined in or sentenced to any such central prison, shall be punished as may be provided by the rules and regulations of the prison in that behalf.

Interpreta-
tion.

41. The word "County," wherever it occurs in this Act, shall include any union of counties for judicial purposes, the district of Algoma, the territorial district of Muskoka, the temporary district of Nipissing, and any other judicial or territorial division or district that may be formed out of any portion of the unorganized territory in this Province.

CAP. XVIII.

An Act respecting Asylums for the Insane.

[Assented to 15th February, 1871.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Certain asy-
lums vested in
the crown.

1. The Provincial Lunatic Asylum at Toronto, the Lunatic Asylum at London, and any other public Asylums that may be established

established or acquired under any grant from the Legislature of this Province, for the custody and treatment of insane persons, and all the property and effects, real and personal belonging thereto shall be vested in the Crown.

2. Such Asylums shall be called "Asylum for the Insane, Designation Toronto," or "Asylum for the Insane, London," or elsewhere, asylums. according to the fact.

3. The Lieutenant-Governor may from time to time appoint in each Asylum a Medical Superintendent, and who shall ; Medicalsuperintendent, appointment and duties of.

(1.) Direct and control the medical and moral treatment of the patients ;

(2.) Hire and discharge from time to time the attendants and servants ;

(3.) Watch over the internal management, and maintain the discipline and due observance of the by-laws of the institution ;

(4.) Report the condition thereof to the Inspector of public Asylums at each visit ;

(5.) Annually report to the Inspector upon the affairs of the institution, with such suggestions as may in his opinion tend to the improvement of the Asylum.

4. The financial business and affairs of each of the said Asylums shall be conducted by an officer to be appointed from time to time by the Lieutenant-Governor, to be called "The Bursar," who shall ; The Bursar, appointment and duties of.

(1.) Report the state of the income and expenditure of the Asylum to the Inspector quarterly, and to the Medical Superintendent monthly ;

(2.) Perform such other duties as may be assigned to him under any rules or regulations in force respecting such Asylum, and in accordance with the direction of the Inspector.

5. No person shall be received into any of the said Asylums as a lunatic, except under an order of the Lieutenant-Governor, without a certificate from three medical practitioners, signed and verified by the Reeve of the township or incorporated village, or the Mayor of the city or incorporated town from which the lunatic may be sent, and in the absence of the Reeve or Mayor, by the deputy or other person for the time being authorized to act in the place of the Reeve or Mayor. No person to be admitted into asylum except on a certain order or certificate.

6. Such certificate shall state that the inspecting medical practitioners at the same time, and in the presence of each other Certificate for admission, nature of.

other, examined the patient, and after due enquiry into all necessary facts relating to his case, found him to be a lunatic.

Certificate for admission, effect of.

7. Such certificate shall be a sufficient authority to any person to convey the lunatic to any of the said Asylums, and to the authorities thereof to detain him therein so long as he continues to be insane.

Order for removal.

8. An order for the removal of any insane person, imprisoned or confined under any warrant or order of a justice of the peace, may be made by the Lieutenant-Governor, notwithstanding any irregularity or insufficiency in the warrant or order under which such person is imprisoned or confined.

Copy of certificate of admission, and of amounts required for maintenance to be sent to parents, etc.

9. When any lunatic sent to any Asylum shall be under the age of twenty-one years, and shall have a father or mother able to pay for his maintenance, or shall have a guardian or committee, it shall be the duty of the Bursar and Medical Superintendent to send a copy of the certificate mentioned in the fifth section, or of the order of the Lieutenant-Governor (as the case may be), attested under their hands, to the father or mother, guardian or committee (as the case may be), of such lunatic, to which copy the said Medical Superintendent and Bursar shall subscribe a certificate of the admission of such lunatic, and of the amount which will become due for him per quarter to the Asylum, by the regulations of the Asylum made in that behalf.

Liability to pay for maintenance of lunatic.

10. That it shall be lawful for the Bursar conjointly with the Medical Superintendent, on the first day of each of the months of January, April, July and October, and during the time the lunatic shall remain in the Asylum, to demand from the father or mother, guardian or committee (as the case may be), of such lunatic, such sum as may be due for such lunatic to the Asylum, which sum shall be forthwith paid on such demand.

Proportion for broken periods of a quarter.

11. On the first of the said quarter days after the admission of the lunatic, such demand shall be for a sum proportionate to the broken period elapsed since the admission of the lunatic, and on the discharge of the lunatic a like demand shall be made for the sum due for the broken period since the then last quarter day.

Order for payment for maintenance.

12. In case of refusal or neglect to pay the same, the said Bursar may apply to the county judge of the county in which such father or mother, guardian or committee may reside, upon affidavit, and the said judge, on the return of a rule, which he shall make upon the proper party, to show cause, being satisfied that the father or mother of the lunatic is able to pay for his maintenance as aforesaid, or that such guardian or committee is able to pay for the same out of property in his possession belonging to such lunatic, the said Bursar shall be entitled to an order for

for the payment of the amount then due and the costs, and a writ of execution may issue thereon in like manner as upon a judgment of the said court for such amount.

13. The said judge, after hearing the parties and their witnesses under oath, either orally or in writing by affidavit, may make the order herein referred to, or if he shall think fit, direct an issue to be made up and tried before a jury previous to making such order.

Judge may make an order for maintenance or direct an issue.

14. If any lunatic upon or at any time after his admission into any Asylum, shall possess or become possessed of or entitled to any real or personal property whereby the expenses of his maintenance in the Asylum or any part thereof can be paid, and he shall have no guardian or committee lawfully appointed to take the care or management of the same for the benefit of the lunatic, then if any sum due for the maintenance of the lunatic in the Asylum be not paid on demand, or there be no one of whom it can be demanded, and such property shall, in the opinion of the Inspector, be more than sufficient or be not required to maintain the family (if any) of such lunatic, it shall be lawful for such Inspector to take possession of such property, or so much thereof as he may think necessary to pay or to secure the payment of the sum due or to become due, for the support and maintenance of the lunatic in the Asylum, and he shall have full power over and be competent to manage and appropriate, take or recover possession of, lease, mortgage, sell and convey all or any part of such property in the name of such lunatic, or as his committee under this Act, as fully and effectually to all intents and purposes as such lunatic could or might do, if of full age and of sound and disposing mind.

When property of a lunatic may be taken possession of to pay for maintenance.

15. In case any lunatic in any such asylum, or any lunatic in the Rockwood Asylum at Kingston, under any order from the Lieutenant-Governor have no committee, the Inspector and his successors in office shall by virtue of this Act be *ex-officio* and by his name of office as "Inspector of Public Asylums" the committee of such lunatic; but nothing herein contained shall prevent the Court of Chancery appointing another committee to such lunatic, if such Court shall consider it expedient so to do, and upon such other committee being appointed the said Inspector shall while such other committee exercises such office cease to be the committee of the said lunatic, but the said Inspector upon delivering up the said lunatic's estate shall retain so much thereof as may be required to pay any sums that may be then due for maintenance.

The Inspector to be *ex-officio* committee of a lunatic.

Powers of Court of Chancery.

16. If such Inspector consider it necessary in order to secure the payment of the maintenance of such lunatic, or for the interest of the estate of the said lunatic so to do, he may exercise the powers in the fourteenth section given or any of them, although no sum is over due for such maintenance.

Inspector may sell property, though nothing due for maintenance.

Real property
how to be sold

17. Before any sale and conveyance of any real property of such lunatic, the Inspector shall report the case with the terms of the proposed sale to the county judge of the county within which the property is situate for his approval, and such sale and conveyance so approved, shall be valid and binding upon the lunatic and his heirs.

Inspector to
render ac-
counts.

18. The Inspector shall be liable to render an account as to the manner in which he shall have managed the property and effects of such lunatic in the same way and subject to the same responsibilities as any trustee, guardian or committee duly appointed for a similar purpose may be called upon to account, but he shall only be liable for wilful misconduct.

Disputes as to
property, how
settled.

19. In all cases mentioned in the five next preceding sections, if doubt or opposition arise as to the right of property, it shall be lawful for the Inspector or the person claiming the property, to apply to the county judge of the county in which such property shall be to cause an inquisition to be held before such county judge, and to try and determine either by himself or by a jury when required by either party but not otherwise, the right of property, which such judge shall accordingly do.

Moneys in
Court of
Chancery may
be paid to
Bursar.

20. The Court of Chancery shall upon any application made therefor by the Inspector, direct to be paid to such Inspector from time to time, out of any funds or moneys which may be in such court, belonging to such lunatic, the amount payable in respect to charges for maintenance of such lunatic.

Expenses of
removal from
gaol.

21. The expenses of conveying any destitute lunatic, from any common gaol to an asylum shall be paid by the county from which such lunatic is removed.

Inspector may
make special
order as to
comfort of
lunatic.

22. In case the insanity of any lunatic, confined in any of such asylums, is of such a nature, and he is possessed of such property, real or personal, as would in the opinion of the Medical Superintendent justify the supply to such lunatic of greater comfort and attention than are supplied under the ordinary regulations of the asylum, it shall be lawful for the Inspector to make any specific regulation in respect thereto as he may deem fitting.

Salary to su-
perintendent
and Bursar.

23. The Lieutenant-Governor of this Province may fix the salaries of the Medical Superintendent, not to exceed two thousand dollars, and of the Bursar, not to exceed one thousand two hundred dollars, and the same shall be payable out of any funds appropriated to the support of the said Asylum.

Interpretation
of words.

24. The word "father" in this Act shall include any husband of the mother of a lunatic, and the word "mother" shall include any wife of the husband of a lunatic; Provided in either case that the birth of such lunatic be legitimate; the word "In-
spect

spector" shall mean the Inspector appointed under the Act passed in the thirtieth year of the reign of Her Majesty and chaptered thirty-one, or under any other Act which may be substituted therefor; the word "lunatic", shall mean any insane person, whether found so by inquisition or not.

25. Chapter seventy-one of the Consolidated Statutes for Upper Canada is hereby repealed. Con. Stat. U.
C. 71 repealed.

CAP. XIX.

An Act relative to Government Road allowances and the granting of Crown Timber Licenses therefor.

[Assented to 15th February, 1871.]

WHEREAS various Government allowances for roads have from time to time been included in Crown Timber Licenses granted under section one of chapter twenty-three of the Consolidated Statutes of Canada, and it is expedient to confirm such Licenses and to authorize the including of such allowances in Licenses to be hereafter granted; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Every Government road allowance included in any Crown Timber License, heretofore granted, or which may hereafter be granted, under section one of chapter twenty-three of the Consolidated Statutes of Canada shall be deemed and taken to be and to have been ungranted lands of the Crown, within the meaning of that section, and liable as such to be included in such license. Government
Road allowan-
ces to be deem-
ed as ungrant-
ed lands.

2. The Licensee or nominee named in any such License shall be deemed and taken to have, and to have had, all the rights in respect of every such Road allowance, and the trees, timber and lumber thereon, or cut thereon, as by the second section of said chapter twenty-three, were or are conferred upon him in respect of any other Crown Lands embraced in such license, and the trees, timber, and lumber thereon, or cut thereon, except that he shall not be entitled to take or keep exclusive possession of any such road allowance. Rights of
license.

3. No By-law passed, or to be passed by any Municipal Council for preserving, selling, or otherwise appropriating or disposing of the timber or trees, or any part thereof, on any Government Road allowance or allowances included in any such By-laws not to
prevail against
license.

such license, shall be deemed, or taken to have had or have any force or effect against any such license.

Township
Councils en-
titled to per-
centage of tim-
ber dues.

4. In case the Council of any Township, organized as a separate Municipality, or the Council of any united Townships, have passed, or shall hereafter pass, any By-law for preserving or selling the timber or trees on the Government Road allowances within such Township, or within the senior Township of said united Townships, and included in any such license, the corporation of such Township or united Townships, shall be entitled to be paid out of the Consolidated Revenue Fund of this Province, a sum equal to two per centum of the dues received by Her Majesty, for, or in respect of the timber and saw logs which, during the existence of such By-law, were cut within the said Township or within such senior Township under the authority of such license; but no Corporation shall be entitled to such percentage of the dues received for timber or saw logs, cut during the times or seasons when any timber, or trees, on any such Road allowances were cut or removed, for which cutting or removal such Corporation shall, before the passing of this Act, have obtained a verdict against any such licensee or nominee.

Proviso.

Terms where-
on Councils
may obtain
the per cent-
age.

5. No Municipal Corporation shall be entitled to such payment as aforesaid, unless a certified copy of the By-law passed, or to be passed as aforesaid, accompanied by an affidavit of the Clerk or Reeve of such Corporation, verifying such copy, and the date of the passing of such By-law be filed in the Department of Crown Lands, at Toronto, within six months from the passing of this Act, or within six months from the passing of such By-law; and which affidavit may be made or taken before any person or officer, who, under the twenty-eighth section of "The Public Lands Act of 1860" is authorized to take the affidavits in that section mentioned.

Councils to ex-
pend percent-
age on high-
ways.

6. All moneys to be paid as aforesaid, to any Municipal Corporation shall be expended in the improvement of the highways situate within the Township or senior Township, in respect of which such moneys were paid.

Actions tried
not to be affect-
ed.

7. Nothing herein contained shall affect any action in which any trial has been had before the passing of this Act.

CAP. XX.

An Act relative to arrears due upon Crown, Clergy and Grammar School Lands, sold previously to 1st July, 1867.

[Assented to 15th February, 1871.]

WHEREAS it is represented that various Crown, Clergy and Grammar School Lands in this Province were sold at prices beyond their fair value, which prices remain unpaid, and that large arrears of interest have accumulated upon the unpaid instalments of the purchase money of lands of the kinds or classes before mentioned; and that it would be unjust to enforce payment of the prices aforesaid, or of all the arrears of interest aforesaid; and it is expedient that power should be given to grant relief in such cases as hereinafter provided: Therefore Her Majesty, by and with the consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Lieutenant-Governor in council shall have authority to reduce the price of any Crown Land, Clergy Land, or Grammar School Land sold by the Crown previously to the first day of July, in the year one thousand eight hundred and sixty-seven, when it shall appear that such land has been sold at a price beyond its fair value, and that such price remains unpaid.

Reduction in the price of lands sold by the Crown beyond their fair value.

2. The Lieutenant-Governor in council shall also have authority to make such abatement as may appear equitable and just, of the arrears of interest upon the unpaid instalments of the purchase money of any Crown Land, Clergy Land, or Grammar School Land sold by the Crown previously to the first day of July aforesaid.

Abatement of interest upon lands sold by the Crown of an inferior quality.

3. Before any such reduction or abatement as aforesaid is made, the land in respect of which such reduction or abatement is proposed, shall be examined and valued by one or more inspector or inspectors appointed for that purpose by the Lieutenant-Governor in council, or by the Commissioner of Crown Lands.

Inspection of lands.

4. Such reduction and abatement shall be confined to cases in which the purchaser from the Crown or person claiming under him is in occupation of such land, and is an actual settler thereon, or on land adjacent thereto.

Persons entitled to a reduction or abatement.

5. The Lieutenant-Governor may by an order in council confer upon the Commissioner of Crown Lands authority to make such reduction or abatement as aforesaid, subject to the

Lt-Gov. may authorize Commissioner of Crown lands

the

to make reductions and abatements. the provisions of the third section of this Act, and subject also to such other provisions, if any, not inconsistent with this Act, as may be embodied in said order in council.

CAP. XXI.

An Act to facilitate the establishment of Public Fairs, and provide for the regulation thereof.

[Assented to 15th February, 1871.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Certain municipalities may hold public fairs.

1. The council of each county in the Province of Ontario shall, on petition of at least fifty qualified electors of the municipality, have power to authorize by by-law the holding of public fairs at one or more of the most public and convenient places in any township, village, or town not separated from the county; and the council of each town separated from a county shall have the same power with respect to itself.

Purposes for which the fairs may be held.

2. The purpose for which such fairs may be held shall be restricted to the sale, barter and exchange of cattle, horses, sheep, pigs, and articles of agricultural production or requirements.

Fairs to be regulated by by-law.

3. The by-law to authorize the establishment of any such fair shall establish rules and regulations for the government of the same, and appoint a person whose duty it shall be to have them carried out.

Notice of by-law to be given.

4. The council authorizing the establishment of a public fair shall, immediately after the passing of a by-law for that purpose, give public notice of the same.

CAP. XXII.

An Act to amend the Ontario Drainage Act.

[Assented to 15th February, 1871.]

HER Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section one of the Act, chaptered two, passed in the thirty-^{33 V., c. 2,}
third year of Her Majesty's Reign, is hereby amended by add-^{s. 1 amended.}
ing thereto the following words, which shall be read as part
thereof; "Provided always that any parcel or lot of land, that
may be charged for any drainage or improvements as herein
provided may be drained by any lateral drains thereon, or
otherwise, and any drain to be constructed under this Act may
be used as an outlet for such drainage without further charge
therefor."

2. Section three of the said Act is hereby amended by^{33 V., c. 2,}
inserting after the word "payments" therein the words "but^{s. 3 amended.}
not including expenses of preliminary surveys."

3. The following shall be added to the said Act and read as
section fifteen thereof;

15. "The proprietor of any parcel or lot of land, and the
Municipal Council interested in any road, charged under this
Act, having paid all arrears of the rent-charge, if any, may at
any time, to discharge the rent charged thereon under this
Act, pay, by way of commutation, a sum equivalent to the
principal sum charged and exclusive of future interest includ-
ed in such rent-charge; in computation whereof, it shall be
taken that such rent charge was originally composed of the
principal sum payable in respect of such parcel or lot of land
or road with interest added thereto at the rate of five per cen-
tum per annum, and that such principal and interest together
was made payable as by the said rent-charge it is payable: And
any sum to be paid by way of commutation shall be paid to the
Treasurer of Ontario, who on payment thereof, shall give a re-
ceipt therefor in writing under his hand expressing the property
charged, and that the sum paid is in satisfaction and discharge
of the rent charged on such property under this Act, provided
he be satisfied that the property is identical with that charged
with the rent to be commuted, and that all arrears have been
paid; and such receipt shall be a discharge of such rent-charge.
All such sums shall be entered by the said Treasurer, and may
be applied in like manner as moneys received by him under the
twelfth section."

Power to
commute
rent charge.

4. The following shall be added to the said Act and read as section sixteen thereof

Roads of municipalities made liable.

16. "The Municipal Council of any Township or County or Union of Townships or Counties whose roads may be benefited by the drainage or improvements referred to in this Act, or the works incidental thereto, and such roads, shall be deemed to be within its provisions, and the rent with which any such Council or road may be charged, shall, as it falls due, or such sum as may be paid by way of commutation thereof, be paid by the Council to the Treasurer of Ontario, who shall enter the same, and the same may be applied in like manner as moneys received by him under the twelfth section."

Scale of plan.

5. So far only as regards the said Act and the incorporation therein of the provisions of section thirty-nine of the Act passed in the thirty-second year of the reign of Her Majesty chaptered twenty-eight it shall be sufficient that the plan or map in said section thirty-nine referred to, be on a scale of not less than forty chains to an inch.

CAP. XXIII.

An Act to amend the Agricultural and Arts Act.

[Assented to 15th February, 1871.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

31 V., c. 29,
s. 10 amended.

1. That section ten of the Act, passed in the thirty-first year of Her Majesty's reign, chaptered twenty-nine, be amended, by inserting after the words "association" and before the word "and," in the sixth line of said section, the words "The Entomological Society."

S. 16 amended.

2. That section sixteen of said Act be repealed, and² that the following be substituted instead thereof:—

Retiring members.

"The retiring members of the council may continue to exercise all their functions until their successors have been appointed, and such retiring members shall, in all cases, be eligible for re-election; and the secretary of the association shall send a list of the names of the retiring members to the secretary of each county or electoral division society, on or before the first day of December in each year."

3. That sub-section five of section nineteen of said Act be repealed, and that the following be substituted instead thereof, as sub-sections five and six :—

S. 19, sub-s. 5
amended.

(5.) "The Council may establish a Veterinary College for the instruction of pupils, by competent and approved teachers, in the science and practice of the veterinary art, and pass by-laws and adopt measures for the examination of such pupils in Anatomy, Physiology, Materia Medica, and Chemistry, and in breeding the domesticated animals: and upon proof, to the satisfaction of the council, that they possess the requisite qualifications, may grant diplomas, certifying that they are competent to practice as veterinary surgeons."

Power to establish Veterinary College.

(6.) "Veterinary practitioners holding such diplomas shall be entitled to professional fees in attending any Court of Law as witnesses in such cases as relate to the profession; and no person who does not possess a diploma or proper certificate from some duly authorized Veterinary College, within or without this province, shall append to his name the term Veterinary Surgeon, nor any abbreviation thereof."

Veterinary practitioners.

4. That section twenty-one of said Act be amended, by substituting the word "April" for "July," in the second line.

S. 21 amended.

5. That the following be added as sub-section six of section twenty-one of said Act :—

S. 21, sub-s. 6,
amended.

6. "Within thirty days after the annual meeting of the association, the council of the association shall cause to be presented to the commissioner a report of the exhibition just closed, containing such information as the council may have been enabled to obtain of the progress made in the respective departments of the exhibition, as compared with the exhibitions of previous years."

Council to report as to exhibition.

6. That section twenty-five of said Act be repealed, and that the following be substituted instead thereof :—

S. 25 amended.

"Any mechanics' institute incorporated under chapter seventy-two of the Consolidated Statutes of Canada, or by a special Act of Incorporation, having evening classes organized for the imparting of practical instruction to its pupils, or having established a library of books on one or more of the following subjects, namely :—Mechanics, Manufactures, Agriculture and Horticulture, Science, the Fine and Decorative Arts, History and Travels, shall be entitled to receive, from unappropriated moneys in the hands of the Treasurer of the Province, for the purpose of aiding in such class instruction or library, or both, a sum not to exceed four hundred dollars in any one year: Provided that a sum equal to one half the amount to be so paid by the Government is locally contributed or appropriated, or

Aid to Mechanics Institutes.

has

has been expended by such Institute, during the current year for such specific object or objects; And provided also, that the amount of such local contribution or appropriation shall be attested by an affidavit made by the Secretary of such Institute as may apply for aid (which affidavit may be in form of schedule "D" to this Act annexed), not later than the first day of December in each year."

Institute to pay over five per cent of aid, and furnish copy of report.

(1.) Each Institute so receiving aid, shall contribute and pay over to the treasurer of the "Association of Mechanics' Institutes of Ontario," five per centum thereof; and such Institute shall also cause to be forwarded to the Commissioner of Agriculture, not later than the first day of July of each year a properly certified copy of its annual report for the year in which such aid has been granted, in which shall be shown, upon schedules to be furnished by the commissioner, that the specified contribution, appropriation or expenditure, and also the legislative aid received by such institute, for that year has been disbursed in accordance with the foregoing provisions of this section.

S. 32, sub-s. 1 amended.

7. That section thirty-two, sub-section one, of said Act, be amended by substituting the words "five hundred" for "three hundred and fifty," in the third line of said sub-section.

S. 33 and sub-s. 1, of 33 amended.

8. That section thirty-three, and sub-section one of section thirty-three, of said Act, be amended in their numbering, so as to read as sub-sections two and three of sections thirty-two.

S. 33 amended.

9. That the following new section and sub-section read as and be section thirty-three of said Act :

Entomological Society, powers to, and incorporation of.

"The Society now existing and known as the 'Entomological Society of Canada,' may organize and form themselves into a society, comprising not less than twenty-five members, and paying an annual subscription of not less than one dollar each, to be known as "The Entomological Society of Ontario," and shall have power to adopt a constitution, and make by-laws for the admission of members, and for its guidance and proper management and the promotion of any objects consistent with the study of Entomology, and its practical bearing upon the agricultural and horticultural interests of the Province of Ontario and not inconsistent with the laws of the Province; and on filing a copy of such constitution and by-laws with the Commissioner of Agriculture such society shall become a body corporate under this Act.

Aid to Society.

(1.) And such society shall be entitled to receive, from unappropriated moneys in the hands of the treasurer of the Province, a sum not to exceed five hundred dollars, in any one year :

(3.)

(2.) The said society shall hold an annual meeting at the place, and during the same time as the Exhibition of the Agricultural and Arts Association is being held, in each and every year; and shall at such meeting present a full report of its proceedings and a detailed statement of its receipts and expenditure for the previous year, and shall at such meeting elect a President, Vice-President, Secretary and Treasurer (or a Secretary Treasurer), and not fewer than three, nor more than five Directors; and they shall also elect two Auditors:

Meetings and election of officers, &c.

(3.) A copy of the annual report of its proceedings, and a list of the office-bearers elected, and also a report of such information as the society may have been able to obtain on the subject of insects beneficial or injurious to the farm and the garden, with such appropriate illustrations as the society may have been able to obtain, shall be sent to the Commissioner of Agriculture within thirty days after the holding of such annual meeting.

Reports of proceedings, &c.

10. That section thirty-seven of said Act be amended, by adding after the word "year," and before the word "and," in the third line, the following words:—

S. 37 amended.

"Of which at least one week previous notice shall have been given, either by advertisement in a newspaper, published in the county, and by placards or by circulars sent to the members;"

11. That sub-section one of section forty-two of said Act be amended, by adding thereto, at the end of said sub-section, the following words:—

S. 42, sub-s. 1 amended.

"Towns or villages not in themselves separate electoral divisions, shall, for the purposes of this Act, be and be deemed to be a part of the township in which such town or village is situate."

Towns and Villages.

12. That sub-section one of section forty-five of said Act be amended, by substituting for the words, "and township societies," in the first line, the words "societies, or a county society, and any township society or societies within the same electoral division, or of any two or more township societies within the same electoral division."

S. 45, sub-s. 1 amended.

13. That sub-section two of section forty-five of said Act be repealed, and the following substituted instead thereof:—

S. 45, sub-s. 2 amended.

"The exhibitions of any township society (if not united with any other society) shall be held in said township, and at such place as shall afford sufficient accommodation for such exhibition; but no separate township show shall be held within five miles of the place at which the county show is held for any year, in the same township; but the township society may unite with

Township Societies.

with the county society, and may merge their funds with those of the county society for that year, and, if so merged, the members of such township society shall be entitled to all the privileges of members of the county society at the show; and the directors of such township society shall be co-directors with the directors of the county society, for the conducting and management of such show. The provisions of this section shall not extend to horticultural societies organized under section twenty-six."

S. 46 amended. **14.** That section forty-six of said Act be amended, by substituting the word "September" for "July," in the fifth line of said section.

S. 47, sub-s. 1 amended. **15.** That sub-section one of section forty-seven of said Act be amended, by striking out all the words commencing with "except," in the fourth line, and ending with the word "subscribed," in the fifth line.

S. 48 amended. **16.** That section forty-eight of the said Act be amended, by substituting the word "August" for the word "June," in the fourteenth line of said section.

S. 48, sub-s. 3 amended. **17.** That sub-section three of said section forty-eight be also amended, by inserting after the word "persons," and before the word "who," in the first line, the words "not under eighteen years of age," and by adding at the end of said sub-section three, the words "no membership subscriptions for the ensuing year, paid after the president or presiding officer shall have declared the poll open for the election of officers and directors, shall entitle any member to vote for such officers and directors, nor shall any votes be received earlier than twelve of the clock noon, nor later than four of the clock in the afternoon of the same day.

S. 48 amended. **18.** That the following be also added as sub-sections five and six of section forty-eight:—

Office-bearers, qualification of. (5.) All office-bearers of county and township agricultural societies, and of horticultural societies, shall be rate-payers and residents in the municipality which such society represents; but the membership of any such society may extend to other municipalities.

Delegates to furnish certificates. (6.) Each and every delegate from a society or institute, to any association or council of an association, under this Act, whether he be such by virtue of his office, or has been appointed thereto, by a special resolution, shall at the annual (or first) meeting of such association or council for that year, furnish a certificate, signed by the President and Secretary, and sealed with the seal of the society or institute he professes to represent, showing that he has been duly appointed a delegate of such

such society or institute; and such certificate may be in form of schedule "F" to this Act annexed.

19. That section fifty-one of said Act be amended by adding thereto the following, as sub-sections one and two:—

(1.) "And any township society, and town or village municipality, that may have, prior to the passing of this Act, jointly purchased and held any lands or buildings for the purpose of agricultural fairs or exhibitions, may continue jointly to hold such lands or buildings, or may sell, lease, or otherwise dispose of the same."

(2.) "And any society duly organized at any time subsequent to the passing of the Act hereby amended, shall have all the rights and privileges accorded by this section to societies organized prior to the passing of said Act."

20. That section fifty-five of said Act be amended by adding S. 55 amended thereto, at the end of said section, the following words:—

“Or within any adjoining municipality; and any such grants heretofore made, or executed, shall be held to be and to have been legally made or executed.”

21. That no sale or conveyance of land by any county or township agricultural society, heretofore made or executed, shall be void or voidable by reason only of the absence of provisions in the said Act, empowering any such society duly organized subsequent to the passing of the said Act, to sell or convey the same.

22. That schedule "D" of the said Act is hereby repealed, Schedule "D" repealed.
and the following substituted in lieu thereof:

SCHEDULE "D."

COUNTY OF _____ } I., A. B., of
To Wit : } Secretary of the _____ Mechanics'
Institute, make oath and say that the sum of _____ has
been contributed, appropriated, or expended, for the special
object of evening class instruction, (*or for the purchase of
books for its library or for both these objects,*) for the current
year, as provided for, and on the conditions named in section
twenty-five of the Act relating thereto.

Sworn before me, this
day of _____, A.D., 187 . }
 C. D. }
Justice of the Peace for the Co. of } A. B.

Schedule "F." **23.** That the following be added as Schedule "F" of said Act:—

SCHEDULE "F."

We, the President and Secretary of the county Agricultural Society (*or Horticultural Society, Mechanics' Institute or other society, as the case may be,*) of the county (city or town) of _____, hereby certify that
 President (*or other officer, as the case may be*) of the said society (*or institute*), has been duly appointed by the said society (*or institute*) to represent it at the approaching annual (*or other*) meeting of the Agricultural and Arts (*or other*) Association, of Ontario, at _____ in
 next.

President.

[L. S.]

Secretary.

Date 18

This Act to
 be part of
 amended Act.

24. This Act shall be read as part of the Act hereby amended.

CAP. XXIV.

An Act to amend Chapter Eighty-five of the Consolidated Statutes for Upper Canada, intituled "An Act respecting the conveyance of Real Estate by married women," and the Act passed in the thirty-second year of the reign of Her Majesty, chaptered nine, intituled, "An Act to amend the Registry Act, and to further provide as to the certificates of married women, touching their consent as to the execution of deeds of conveyance."

[Assented to 15th February, 1871.]

Preamble.

WHEREAS it is expedient to facilitate the taking the necessary examination of a married woman, as by law required, on executing a deed of lands and the granting the necessary certificate thereon: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Con. Stat. U.
 C. c. 85, ss. 2,
 3 and 4
 repealed.

1. Sections two, three and four of chapter eighty-five, of the Consolidated Statutes for Upper Canada, are hereby repealed

ed, and sections two, three and four of this Act are inserted in lieu thereof.

2. In case such married woman executes such deed in the Province of Ontario, she shall execute the same in the presence of a Judge of one of the Courts of Queen's Bench, Common Pleas, or the Court of Chancery or of the Judge, Junior or Deputy Judge of the County Court, or of a Notary Public for the Province of Ontario, or two Justices of the Peace for the county in which such married woman happens to be when the deed is executed, and any such Judge, Notary Public, or two Justices of the Peace shall examine such married woman apart from her husband, respecting her free and voluntary consent to convey her real estate as expressed in the deed, and if she gives her consent, such Judge or Justices, or Notary Public under his seal of office, shall on the day of execution by her of such deed certify on the back thereof to the following effect :

Execution of deeds by married women in Ontario.

"I, (or we inserting the name or names and place of residence, &c.), do hereby certify that on this day of
" A.D., at in the County
" of , the within deed was duly executed in my (or
" our) presence by A. B., of , wife of therein
" named, and that the said wife (or wives) of the said (insert name
" of husband or husbands) at the said time and place, being examined by me (or us) apart from her (or their) husband (or
" husbands), did give her (or their) consent to convey her (or
" their) estate in the lands mentioned in the said deed, freely
" and voluntarily, and without coercion or fear of coercion on
" the part of her (or their) husband (or husbands), or of any
" other person or persons whomsoever."

3. In case any such married woman executes any such deed in Great Britain or Ireland, or in any colony belonging to the Crown of Great Britain, out of Ontario, she shall do so in the presence of the Chief Justice or a Judge of the Superior Court or a Notary Public duly appointed, or of the Mayor or Chief Magistrate of a city, borough or town corporate, or any person authorized by the laws of any such colony for that purpose, who shall examine such married woman apart from her husband, touching her consent in the manner, and certify on the back thereof to the effect, as by the second section of this Act is required.

In Great Britain, Ireland or the colonies.

4. In case any such married woman executes any such deed in any state or country not owing allegiance to the Crown of Great Britain, she shall do so in the presence of the governor or other chief executive officer, or the resident British Consul or of a Judge of a Court of Record of such state or country, or of a Notary Public duly appointed, or of a Mayor or Chief Magistrate of a city, borough, or town corporate in any such foreign country, who shall examine such married woman apart from her

In foreign countries.

Proviso.

her husband, touching her consent in the manner, and certify on the back thereof to the effect, as by the second clause of this Act is required; such certificate to be under the hand and the seal used in the office of the person or court by the person so making such examination; Provided always, that no party to any such deed or engaged in the preparation thereof, either by himself, his partner or clerk, shall make the examination or grant the certificate required by any of the foregoing clauses under a penalty of four hundred dollars, to be recovered from him, her or them by any person suing therefor in any court of competent jurisdiction.

32 Vic. c. 9, ss.
1 and 2 amended:

5. Sections one and two of the Act passed in the thirty-second year of the reign of Her Majesty, chaptered nine, is amended by expunging from section one the words: "any Judge or Justice of the Peace," and from section two the words "the Judge or Justice of the Peace therein mentioned," and inserting in lieu thereof in each of such sections the words "any of the parties entitled by law to take such examination."

32 Vic. ch. 9,
all former dis-
charges of
mortgage con-
firmed.

6. The following shall be inserted as clause three of said last mentioned Act, and incorporated therewith; "All certificates of discharge of mortgage and the registering thereof, executed or registered previous to the passing of this Act, according to the terms thereof, shall be as valid and binding as if done since the passing hereof.

CAP. XXV.

An Act respecting the establishment of Registry Offices, in Ridings and to amend the Registration of Titles (Ontario) Act.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS it is expedient to make further provision for the establishment of Registry Offices where the same may be required, and to amend the Act passed in the thirty-first year of Her Majesty's Reign, and chaptered twenty: Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

31 Vic. c. 20
s. 4, amended.

1. Section four of the said Act is amended so as to read as follows:—

Registry office

4. Whenever in any county or Riding the Registry office appears

appears to the Lieutenant-Governor in Council to be inconveniently situated, he may by proclamation order the same to be removed. may be removed.
 to be removed to any other place in the county or Riding.

(1.) In case the Lieutenant-Governor in Council deems the circumstances of any city or of any junior county of an union of counties or Riding of a county or counties not set apart for judicial or municipal purposes, such as to call for or render expedient and advisable the establishment therein of a separate Registry office, he may from time to time by an order in Council cause to be issued a proclamation, and thereby set apart and establish a registry office for such city or junior county or riding of a county or counties, and in case of a junior county or riding of a county or counties, name some place where the office of the registrar shall be held until the dissolution of such union of counties, or the erection of such riding into a separate county, and the fixing therein of a county town, when such registry office shall be removed to and kept in such county town.

Lieut.-Governor in Council may establish new divisions for Registry Offices.

(2.) Upon the issuing of any such proclamation the provisions of the said Act in reference to the establishment of registry offices or in connection therewith, and in reference to the registration of deeds or other instruments affecting real estate shall, except in so far as the same may be inconsistent with the provisions of the last preceding section of this Act, apply to registry offices, so set apart and established, and the word "county" in this Act shall for the purposes of this and the last preceding subsection mean and include a city as well as a junior county or a riding of a county or counties for which a separate registry office may be so established, and the duties imposed upon municipal councils shall in the case of such junior county or riding be discharged by the municipal council of the counties of which such junior county or riding forms part, and in the case of a city by the municipal council of such city.

Provisions of 31 Vic. c. 20 to apply to this Act.
Interpretation of the word "county."

2. Section fifty of the said Act is amended so as to read as follows :

31 Vic. c. 20, s. 50 amended.

Every notarial copy of any instrument executed in Quebec, the original of which is filed in any notarial office according to the law of Quebec, and which cannot therefore be produced in Ontario and every prothonotarial copy of any instrument executed in Quebec shall be received in lieu of and as *prima facie* evidence of the original instrument, and may be registered and treated under the Act for all purposes as if it were in fact the original instrument, and such notarial or prothonotarial copy shall be registered without any other or further proof of the execution of the same, or of the original thereof, with the seal of the Notary or Prothonotary attached.

Registration of instruments executed in Quebec.

CAP. XXVI.

An Act to amend the Act intituled "An Act respecting Registrars, Registry Offices and the Registration of Instruments relating to lands in Ontario."

[Assented to 15th February, 1871.]

Preamble.

WHEREAS it is expedient to amend the Act passed in the thirty-first year of the reign of Her Majesty and chaptered twenty; Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Registration of deeds containing lands situate in more than one county and of which no memorial has been executed.

1. Every Deed executed prior to the passing of the said Act affecting lands situate in more than one county in the Province of Ontario, and of which said Deed no memorial has been executed, may be recorded in any one of the counties in which some of the lands are situate, upon proof made in accordance with the said Act, and in the other counties by deposit of a copy of every such deed and proof certified as is provided with respect to powers of attorney in section forty-seven of the said Act.

CAP. XXVII.

An Act to authorize the delivery of certain Registry Books in the County of Essex, to the Registrar of Deeds of Wayne County, in the State of Michigan, one of the United States of America.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS two books containing a large number of entries relating to lands in Wayne County, in the State of Michigan, one of the United States of America, are now in the custody of the Registrar for the County of Essex, in this Province; and whereas such books originally belonged to said Wayne County, and contain very few entries relating to lands in this Province; and whereas the government of the United States have represented that the absence of the said books from Wayne County, occasions serious inconvenience there, and have requested that the same should be delivered to the Registrar of Deeds for said Wayne County; and whereas it is desirable that authority should be given for the delivery of said books in accordance with the said request: Therefore Her Majesty, by and with the advice

advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. That upon copies of the said books being made, and certified by the Judge of the County Court of the said County of Essex and the Registrar of the said County of Essex, to be retained by such Registrar, it shall be lawful for the Lieutenant-Governor to direct that the said original books be delivered to the Registrar of Deeds of Wayne County aforesaid.

Lieutenant-Governor may direct that two Registry books be transferred from county of Essex to the United States.

2. Such copies of said books shall be to all intents and purposes accepted, used and received as the original books, and as *prima facie* evidence that such copies are true copies of the original books, and extracts therefrom shall be held to be as good and valid as if such extracts had been made from the original books.

Copies to be left in county of Essex to stand as originals.

CAP. XXVIII.

An Act to amend the Assessment Act of Ontario passed in the thirty-second year of the reign of Her Majesty, chaptered thirty-six.

[Assented to 15th February, 1871.]

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. That sub-section twenty-five of section nine of the Act passed in the thirty-second year of Her Majesty's reign, and chaptered thirty-six, be repealed.

Sub-s. 25 of s. 9 repealed.

2. That section eighty-four of the said Act be amended by inserting after the word, "township," in the first line, the words, "town or village."

S. 84 amended.

3. That section eighty-six of the said Act be amended by inserting after the word, "townships," "towns and villages."

S. 86 amended.

4. That section one hundred and fifty of the said Act be amended by erasing the letter "B," in the second line, and inserting therefor, the letter "C."

S. 150 amended.

CAP. XXIX.

An Act to amend the Act passed in the thirty-second year of the reign of Her Majesty, chaptered six, and to alter the times for Auditing County Accounts by the Board of Audit.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS it is expedient to alter the times for approving and auditing accounts and demands preferred by any persons against the County Council by the Board of Audit: Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

32 Vic. Cap. 6,
Sec. 9, sub-
sec. 2, amend-
ed.

1. That all that part of sub-section two of section nine of the Act passed in the thirty-second year of the reign of Her present Majesty, chaptered six, after the word, "Counties," in the twelfth line of the said sub-section be repealed, and the following substituted in lieu thereof: "on or before the first days of the months of January, April, July and October, in every year."

33 Vic. Cap.
8, sec. 2
amended.

2. That all that part of section two of the Act passed in the thirty-third year of the reign of Her present Majesty, chaptered eight, after the word, "consideration," in the fourteenth line of the said section, be repealed, and the following substituted in lieu thereof: "between the first and fifteenth of the said months of January, April, July, and October, in each and every year, and disposed of as soon as practicable."

CAP. XXX.

An Act to amend the Act intituled "An Act respecting the Municipal Institutions of Upper Canada."

[Assented to 15th February, 1871.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

31 V., ch. 30,
s. 6, amended.

1. Section six of the Act passed in the thirty-first year of Her Majesty's reign, chaptered thirty, is amended by adding the following words after the word "ward" on the third line of said section:—"when there are less than five wards, and
of

of two councillors for each ward where there are five or more wards."

2. Sub-section twelve of section two hundred and ninety-six of the Act passed in the session held in the twenty-ninth and thirtieth years of Her Majesty's reign, chaptered fifty one, is amended by striking out all the words after the word "Runners" in said sub-section. 29 & 30 Vic. c. 51, s. 296, sub-s. 12, amended.

3. Sub-section (a) of sub-section six of section two hundred and forty-six of the said Act is repealed, and the following is substituted in lieu thereof:—"Upon any person, for the non-performance of his duties, who has been elected or appointed to any office in the corporation, and who neglects or refuses to accept such office, unless good cause be shown therefor, or takes the declaration of office, or afterwards neglects the duty thereof, and." S. 246, sub-s. 6 (a) amended.

4. The council of every municipality may pass by-laws for preventing and removing any obstruction upon any roads or bridges within its jurisdiction. Power to prevent obstruction to roads.

5. Sub-section eight of section two hundred and ninety-nine of the said Act is amended by adding thereto the following:—"And for acquiring and assuming possession of, and control over, any public highway or road in an adjacent municipality (by and with the consent of such municipality, the same being signified by a by-law passed for that purpose), for a public avenue or walk; and to acquire from the owners of the land adjacent to such highway or road, such land as may be required on either side of such highway or road, to increase the width thereof, to the extent of one hundred feet or less, subject to the provisions of section three hundred and twenty-five of this Act, and to other provisions of this Act relating to arbitration." S. 299, sub-s. 8, amended.

6. The following sub-section is added to section three hundred and forty-nine of said Act:—"For granting bonuses to any railway, and to any person or persons, or company, establishing and maintaining manufacturing establishments within the bounds of such municipality, and for issuing debentures, payable at such time or times, and bearing or not bearing interest, as the municipality may think meet for the purpose of raising money to meet such bonuses." S. 349 amended.

7. Section three hundred and forty-one of the said Act is amended by adding, after the words "separating two townships in the county," the following:—"And over all bridges crossing rivers, over five hundred feet in width, within the limits of any incorporated village in the county, and connecting any highway leading through the county." S. 341 amended.

8. Section three hundred and forty-two of said Act is amended as follows, by adding thereto the following words:—

"And

"And further the county council shall cause to be built and maintained in like manner all bridges on any river over five hundred feet in width, within the limits of any incorporated village in the county, necessary to connect any public highway leading through the county, and may pass a by-law for the purpose of raising any money by toll on such bridge to defray the expense of making and repairing the same."

S. 344, sub-s.
3, amended.

9. Sub-section three of section three hundred and forty-four of said Act is amended by adding thereto after the words "Townships of the county," the words, "Or any bridge required to be built or made across any river, over five hundred feet in width, within any incorporated village in the county, connecting any public highway leading through the county."

29 & 30 Vic.
c. 53, sections
301 & 302,
amended.

10. Sections three hundred and one and three hundred and two of the said Act shall apply to towns and incorporated villages as well as to cities; Provided always, that the right of appeal as provided by the said three hundred and first section shall be to the judge of the county court.

S. 301, sub-s. 2
amended.

11. Sub-section two of section three hundred and one of said Act is amended by inserting the following words after the word "sidewalk," in the sixth line, "or any bridge forming part of the highway."

S. 302 amend-
ed.

12. Section three hundred and two of the said Act is amended by adding to the end thereof the following proviso:

Local im-
provements,
cost of.

"Provided also, that in cases where the council of any city or town shall decide to contribute at least half of the cost of such local improvement, it shall be lawful for the said council to assess and levy in manner provided by the three hundred and first, three hundred and second, three hundred and third, three hundred and fourth and three hundred and fifth sections of this Act, from the owners of real property to be directly benefitted thereby, the remaining portion of such cost without petition therefor, unless the majority of such owners representing at least one-half in value of such property shall, within one month after the publication of a notice of such proposed assessment in at least two newspapers published in such city or town, petition the council against such assessment."

S. 341, sub-s.
12 amended.

13. Sub-section twelve of section three hundred and forty-one of said Act is repealed, and the following substituted therefor:—

Bridges over
rivers forming
boundaries.

"It shall be the duty of county councils to erect and maintain bridges over rivers forming township or county boundary lines; and in the case of a bridge over a river forming a boundary line between a county and a city, such bridge shall be erected

erected and maintained by the councils of the county and city ; and in case the councils of such county and city, or the councils of such counties, fail to agree on the respective portions of the expense to be borne by the several counties, or city and county, it shall be the duty of each council to appoint arbitrators, as provided by this Act, to determine the amount to be so expended, and such award as may be made shall be final."

14. The following sub-section is added to section two hundred and eighty of said Act : S. 280 amended.

"Whenever any stream or creek in any township is cleared of all logs, brush or other obstructions to the town line between such township and any adjoining township into which such stream or creek flows, the council of the township in which the creek or stream has been cleared of obstructions may serve a notice in writing on the head of the council of the adjoining township into which the stream or creek flows, requesting such council to clear such stream or creek through their municipality ; and it shall be the duty of such last named council, within six months after the service of the notice as aforesaid, to enforce the removal of all obstructions in such creek or stream within their municipality to the satisfaction of any person whom the council of the county in which the municipality whose council received the notice is situate shall appoint to inspect the same." Obstructions to streams.

15. Section two hundred and forty-three of the said Act is amended, by adding, "or thirty duly qualified electors of any municipality" after the word "council" in the first line. S. 243 amended.

16. Any by-law which shall be carried by a majority of the duly qualified voters voting thereon, shall, within six weeks thereafter, be passed by the council which submitted the same. By-laws, when carried by voters to be passed by the council.

17. Section twenty-seven of the said Act is repealed, and the following enacted in lieu thereof : S. 27 amended.

"In case of a township laid out by the Crown in territory forming no part of an incorporated county, the Lieutenant-Governor may, by proclamation, annex the township, or two or more of such townships, lying adjacent to one another to any adjacent incorporated county." Powers as to annexation of townships.

18. Section one hundred and fifty-three of the said Act is amended by inserting after the word "aforesaid" in the first line, the following words, "as well as the assessment rolls, voters' lists, poll books, and other documents in the possession of or under the control of the clerk." S. 153 amended.

19. Sections twenty-nine and thirty-five of chapter thirty of the Act passed by the Legislature of Ontario in the thirty-first 31 V., c. 30, ss. 29, 35 repealed.

first year of Her Majesty's reign shall be and the same are hereby repealed.

CAP. XXXI.

An Act to encourage the planting of trees upon the highways in this Province, and to give a right of property in such trees to the owners of the soil adjacent to such highways.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS it is expedient to encourage the planting of trees, shrubs and saplings upon the highways in this Province and to provide for the protection thereof, as well as of such trees, shrubs and saplings as are now growing upon such highways from injury or damage: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Property of trees on highways vested in the owners of adjacent land.

1. For the purposes of this Act, every shade tree, shrub and sapling now growing on either side of any highway in this Province shall, upon, from and after the passing of this Act, be deemed to be the property of the owner of the land adjacent to such highway opposite to which such tree, shrub or sapling is.

Planting trees.

2. Any person owning land adjacent to any highway may plant trees, shrubs or saplings on the portion thereof contiguous to his land; but no tree, shrub or sapling shall be so planted that the same may be or become a nuisance in the highway, or obstruct the fair and reasonable use of the same; every tree, shrub, or sapling so planted in any highway shall for the purposes of this Act be deemed to be the property of the owner for the time being of the land whose owner planted the same.

Removal of trees.

3. The municipal council having control of any highway, may cause any tree, shrub or sapling growing or planted on such highway to be removed, if and when such removal shall be deemed necessary for any purpose of public improvement in connection with such highway; but no such tree, shrub, or sapling shall be so removed until after one month's notice thereof shall be given to the owner of the adjoining property, and he be recompensed for his trouble in planting and protecting the same; nor shall such owner of any tree, shrub or sapling, or any pathmaster, inspector of roads, or other public officer, remove or cut down or injure such tree, shrub or sapling, on pretence of improving the highway or otherwise, without the express permission of the municipal council having the control of the highway.

4. Any person who shall tie or fasten any animal to any such tree, shrub or sapling so growing or planted upon any highway, or who shall injure or destroy, or suffer or permit any animal in his charge to injure or destroy, or who shall remove any such shrub, tree or sapling, or shall receive the same knowing it to be so removed, shall, upon conviction thereof before a justice of the peace, forfeit and pay such sum of money not exceeding twenty-five dollars besides costs as such justice may award, and in default of payment the same may be levied of the goods and chattels of the person offending, or such person may be imprisoned in the common gaol of the county within which the municipality may be, for a period not exceeding thirty days; one-half of such fine to go to the person laying the information and the other half to the municipality within which such tree, shrub or sapling was growing. Injuring trees.

5. It shall be lawful for the municipal council of any corporation to expend money in the planting and preserving of shade and ornamental trees upon the highways within the municipality, and also to grant sums of money to any person or association of persons to be expended for the same purposes. Municipalities may aid in planting shade and ornamental trees.

6. The word "highway," whenever it occurs in this Act, shall be held to mean and include any public highway, street, road, lane, alley, or other communication, as well as any public place or square; Provided always, that sections one and two of this Act shall not apply to incorporated cities, towns and villages, unless the council thereof shall first pass a by-law making the same apply thereto. The word "highway."

7. All Acts, so far as inconsistent with the provisions of this Act, are hereby repealed. Inconsistent Acts repealed

CAP. XXXII:

An Act to amend Chapter seventy-one of the Consolidated Statutes of Canada, intituled, "An Act respecting Charitable, Philanthropic and Provident Associations."

[Assented to 15th February, 1871.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Any number of persons not less than five may unite themselves into a society for making provision, by means of contributions Power to form societies to provide aid in

eases of sickness, etc.

contributions, subscriptions, donations or otherwise, against sickness, unavoidable misfortune or death, and for relieving the widows and orphan children of members deceased, and may become incorporated by making and signing a declaration in duplicate, or in as many parts as shall be required, of their having united themselves together for the purposes aforesaid, which declaration shall set forth;—

Form of declaration.

- (1.) The corporate name of the society ;
- (2.) Its purpose ;
- (3.) The names of those who are to be its first trustees or managing officers ;
- (4.) The mode in which their successors are to be appointed ; and
- (5.) Generally such other particulars and provisions as the society may think necessary, not being contrary to law.

Duplicate of declaration to be registered.

2. One of such original parts of the said declaration shall be filed in the office of the Registrar of Deeds for any county or registration division in Ontario in which such society usually holds its annual or general meetings, by one of the subscribing parties thereto, who shall, before such Registrar, acknowledge the execution thereof by himself and declare the same to have been executed by the other parties thereto, either in person or by their attorneys.

Registrar to give certificate of filing and of proof of execution.

3. The Registrar shall keep the duplicate or original part so filed and deliver the other to the person who filed it, with a certificate of the same having been so filed and of the execution having been attested before him; and such duplicate or any copy thereof certified by such registrar shall be *prima facie* evidence of the facts alleged in such declaration and certificate.

When the signers become incorporated.

4. When the formalities aforesaid have been complied with, the persons who signed such declaration and their associates and successors, members of such society, shall be and become a body corporate and politic, and shall have the powers, rights and immunities vested in such bodies by law.

How existing societies may become incorporated.

5. In case of a society established or in existence before the passing of this Act, the trustees or office bearers for the time being may become incorporated under this Act by making and signing a declaration of their wish or determination to become so incorporated, stating in such declaration the corporate name to be assumed by such society, and also with such declaration shall file in the manner hereinbefore provided a copy of the constitution and by-laws of such society, together with a
general

general statement of the nature and amount of all the property real or personal held by or in trust for such society.

6. Nothing in this Act contained shall entitle any such corporation to hold or acquire land or other property to any greater extent than is provided by Chapter seventy-one of the Consolidated Statutes of Canada. Power to hold lands.

7. Any parts of the said Act chaptered seventy-one of the Consolidated Statutes of Canada inconsistent with the foregoing provisions are hereby repealed in so far as this Province is concerned; Provided always that the by-laws, rules, and regulations of any society incorporated under this Act shall not contain anything in violation of the laws, statutes, or customs of the Province, or be directed to the furtherance of any political or seditious object whatsoever. All of Con. Stat. C. c. 71 inconsistent herewith repealed. Proviso.

CAP. XXXIII.

An Act to Improve the Common and Grammar Schools of the Province of Ontario.

[Assented to 15th February, 1871.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All Common Schools, which shall hereafter be designated and known as Public Schools, shall be free schools; and the Trustees of school sections, and the municipal councils of cities, towns, villages and townships, shall, in the manner now provided by law, levy and collect the rate upon all the taxable property of the school division, or municipality, (as the case may be) to defray the expenses of such schools, as determined by the Trustees thereof; Provided that Public School Boards in cities, towns and villages, may, if they deem it expedient, collect from parents and guardians of children attending their school, a sum not exceeding twenty cents per month, per pupil, to defray the cost of text books, stationery and other contingencies. Common Schools to be designated Public Schools, and shall be free schools.

2. Each School corporation shall provide adequate accommodations for all children of school age in their school division or municipality. School accommodation.

3. Every child, from the age of seven to twelve years inclusive, shall have the right to attend some school, or be otherwise educated for four months in each year; and any parent or guardian, who does not provide that each child between the ages aforesaid Certain children to have the right to attend Schools.

Parents not
sending chil-
dren to School.
Proviso—re-
fractory chil-
dren.

aforesaid under his care shall attend some school, or be otherwise educated, as thus of right declared, shall be subject to the penalties hereinafter provided by this Act; Provided nevertheless, that any pupil who shall be adjudged so refractory by the trustees (or a majority of them) and the teacher, that his presence in the school is deemed injurious to the other pupils, may be dismissed from such school, and, where practicable, removed to an Industrial school; Provided that nothing herein shall be held to require any Roman Catholic to attend a public school, or to require a Protestant to attend a Roman Catholic school.

Proviso.

Investigation
of complaints
against
parents or
guardians.

4. It shall be competent for the Police Magistrate of any city or town, and for any Magistrate in any village or township or town, where there is no Police Magistrate, to investigate and decide upon any complaint made by the Trustees, or any person authorized by them, against any parent or guardian for the violation of this Act, and to impose a fine not exceeding five dollars for the first wilful offence, and double that penalty for each subsequent offence; which fine and penalty shall be enforced as provided in the one hundred and fortieth section of the Consolidated School Act; Provided nevertheless, that the police magistrate or justice shall not be bound to, but may in his discretion, forego to issue the warrant for the imprisonment of the offender as in said section is provided: Provided always, that it shall be the duty of such Magistrate to ascertain, as far as may be, the circumstances of any party complained of, and whether such alleged violation has been wilful, or has been caused by extreme poverty, or ill-health, or too great a distance from any school; and in either of the latter cases, the Magistrate shall not award punishment, but shall report the circumstances to the Trustees of the division in which the offence has occurred.

Penalty.

Proviso.

County In-
spectors.

5. In each county or union of counties, there shall be one or more School Officers, to be called County Inspectors, who shall have charge of not more than one hundred and twenty, nor less than fifty schools each; Provided always, that it shall not be necessary to appoint more than one such officer in each riding of a county; And provided further, that in Counties containing any Municipality wherein the French or German language is the common or prevailing language, an Inspector may have charge of any number of schools not less than forty.

Proviso.

Proviso.

City and
town Inspec-
tors.
Powers of.

6. Each city or town shall be a county for the purposes of this Act; and the Inspector shall be called the City or Town Inspector, and shall possess all the powers of a County Inspector in such city or town, except such as relate to investigating and deciding on School Trustee election complaints, which now by law devolve on the county judge.

Qualification
of Inspectors.

7. The qualifications of county, city or town Inspectors shall from,

from time to time, be prescribed by the Council of Public Instruction, which shall determine the time and manner of examination of candidates for certificates of qualification, and grant certificates of qualification; and no one not holding such certificate of qualification shall be eligible to be appointed an Inspector.

8. Each County Council, and each Board of Public School Trustees in a city or town, shall appoint from among those holding the necessary certificate of qualification; one person to be Inspector of Public Schools in such county, city or town; and in counties where there are or shall be more than fifty Public Schools, the County Council may appoint two or more persons (according to the number of Schools), holding such certificates, to be Inspectors, and prescribe and number the territorial limits of each; Provided nevertheless, that any County, City or Town Inspector shall be subject to dismissal at pleasure by the Council or Board appointing him, or by the Lieutenant-Governor in Council, (as regards any County Inspector,) for misconduct or inefficiency; and the vacancy thus caused shall be filled from the list of those legally qualified by the Council or Board authorized to appoint such Inspector; Provided likewise, that no Inspector dismissed shall be reappointed, without the concurrence of the party who has dismissed him; And provided furthermore, that in a county where there are two or more County Inspectors, the Council of such county may, from time to time, change or remove such Inspectors from one circuit or riding of the county to another.

Appointment
of Inspectors.

Proviso—
Dismissal of
inspector.

Filling vacan-
cies.

Proviso—Re-
appointment
after dis-
missal.

Proviso—
Change of
circuit.

9. Each Inspector of schools so appointed, shall have the oversight of all public schools in the townships and villages within the county or union of counties, or part of the county or union of counties for which he shall be appointed, and shall have all the powers in each municipality within his jurisdiction, and be subject to all the obligations conferred or imposed by law, upon "Local Superintendents," and which are conferred or imposed by this Act, according to such instructions as may be given to him, from time to time, by the Chief Superintendent of Education.

Powers of In-
spectors.

10. The remuneration of each City or Town Inspector of Schools shall be determined and provided for by the Board appointing him; the remuneration of the County Inspector shall not be less than five dollars per school per annum, to be paid quarterly, by the County Council, which shall also have authority to determine and provide for the allowance for travelling expenses; Provided also, that it shall be lawful for the Lieutenant-Governor in council to direct the payment, out of the Consolidated Revenue, of an additional sum not exceeding five dollars per school per annum to each County Inspector.

Remuneration
of inspectors.

Proviso—
Lieutenant
Governor may
direct addi-
tional remun-
eration.

11. Each County Council, and the Board of Public School Trustees

Appointment
of board of

examiners for teachers.

Trustees in each city, shall appoint a county or city Board of Examiners, (for the examination and licensing of Teachers, in accordance with the regulations provided by law,) consisting of the county or city inspector (as the case may be), and two or more other competent persons, whose qualifications shall, from time to time, be prescribed by the Council of Public Instruction; Provided always, that in no such county or city Board of Examiners, the number of members shall exceed five; and in all cases, the majority of the members appointed shall constitute a quorum for the transaction of business; and the payment of their expenses shall be provided for as authorized by the sixteenth section of the School Law Amendment Act of 1860.

Proviso—
Board not to exceed five members.
Quorum.
Remuneration.

Council of public instruction to prescribe a uniform examination and classification of teachers.

Proviso—as to first, second and third class certificates.

Proviso.

Proviso.

Proviso—Existing local superintendents.

Instruction in natural history, agriculture, mechanics, etc.

County council may establish Township boards.

School sections to con-

12. It shall be the duty of the Council of Public Instruction, from time to time, by a committee of its appointment, or otherwise, to prepare and prescribe a programme and papers for the uniform examination and classification of public school teachers; Provided, that first class certificates of qualifications of teachers shall be awarded by the Council of Public Instruction only, and second and third class certificates by county and city Boards of Examiners only; And provided also, that first and second class certificates, given under the authority of this Act, shall be permanent during the good behaviour of the holders, and valid in all the municipalities of the Province; Provided likewise, that all existing certificates of qualification of teachers shall remain in force in their respective Counties on the terms and conditions of the Act under which they were granted, and that upon their ceasing to be valid as provided by law, they shall be renewed from time to time under the regulations and programmes prepared under the authority of this Act; Provided furthermore, that all Local Superintendents of Schools shall continue in office, and discharge their duties as heretofore, until provision shall be made for the appointment of County Inspectors, under the authority of this Act.

13. It shall also be the duty of the Council of Public Instruction, by the training of teachers, the programme of studies, the selection of text books, and special regulations, to provide for teaching in the public schools, the Elements of Natural History, of Agricultural Chemistry, of Mechanics, and of Agriculture.

14. The municipal council of any township may, in case a majority of the resident householders and freeholders in two-thirds at least of the several school sections, at public meetings called in each section of the township, shall so desire it, form the township into one school municipality, as is each city and town, and establish a Township Board of Public School Trustees, as provided by the thirty-second section of the Consolidated School Act.

15. No school section shall be formed after the year one thousand

thousand eight hundred and seventy-one, which shall contain less than fifty resident children, between the ages of five and sixteen years, unless the area of such section shall contain more than four square miles.

16. The majority of the Trustees, or any five rate-payers of a school section, shall have the right of appeal or complaint to their county council against any by-law or resolution which has been passed, or may be passed, by their township council for the formation or alteration of their school section; and it may and shall be lawful for such county council to appoint a committee of not more than five, or less than three competent persons (two of whom shall be the County Judge and a County-Inspector, and a majority of whom shall form a quorum), to investigate the matter of such appeal or complaint, and confirm or disallow the by-law or resolution complained of; and on the representation and petition of the majority of the Trustees, or ratepayers, of two or more school sections in a township, present at special meetings called for that purpose, the county council shall have authority to appoint a committee of not less than five competent persons (two of whom shall be the County Judge and a County Inspector and a majority of whom shall form a quorum,) to revise and alter the boundaries of the school sections of such township, so far as to settle the matters complained of; Provided always, that no person shall be competent to act on either of the committees mentioned in this clause of this Act, who was a member of the township council that passed the by-law or resolution complained of; And provided also, that the alterations made in the boundaries of any school section by such committee, shall not take effect before the end of the year during which they shall be made, and of which alterations due notice shall be given by the Inspector to the clerk of the township and to the trustees of the school sections concerned; Provided furthermore, that the school boundaries of a village, existing at the time of its incorporation, shall continue in force, notwithstanding its incorporation, until altered under the authority of the school laws.

tain fifty resident children unless the area exceeds four square miles.

Appeal against formation or alteration of school sections.

Authority of county councils.

Proviso—Who may not act on the committees.

Proviso—Alteration in the sections not to take place before the end of the year.

Proviso—School boundaries in villages.

Manner of determining the price to be paid for school sites.

17. On the selection of land, as provided by law, for a school site, for the erection of a school-house and necessary buildings, or for enlarging school premises, if the owner of such land shall refuse to sell the same, or shall demand therefor a price deemed unreasonable by the Trustees of any section or Board of Trustees in cities, towns or incorporated villages, the proprietor of such land, and the Trustees, or Boards of Trustees, shall each forthwith select an arbitrator; and the arbitrators thus chosen and the County Inspector, or any two of them, shall appraise the damages to the owner of such land, and upon the tender of payment of the amount of such damages to the owner by the School Trustees, the land shall be taken and used for the purpose aforesaid; Provided nothing herein contained, shall authorize the selection in a township of a site within a hundred yards of a garden

garden, orchard, pleasure ground or dwelling house, without the consent of the owner of such site; And provided further, that in cities, towns and incorporated villages, vacant land only shall be taken without the consent of the owner or owners.

On formation or alteration of union school sections Inspector to send copy of resolution to the clerk of the municipality affected.
Proviso.

18. On the formation or alteration of a union school section or division, under the authority of the fifth section of the school Law Amendment Act of eighteen hundred and sixty, it shall be the duty of the County Inspector concerned forthwith to transmit a copy of the resolution, by which the formation or alteration was made, to the clerk of the municipality affected by such resolution; Provided also, that it shall be competent for any County Inspector to call a meeting of the parties authorized to form and alter union school sections, and it shall be lawful for, and be the duty of the Reeves of the Township out of which the section is formed with the County Inspector, to equalize the assessment.

Penalty if clerk neglects to furnish a map of the school divisions, under Consolidated School Act.

19. Should the clerk neglect or refuse to prepare and furnish the map of the school divisions of his municipality, as required by the forty-ninth section of the Consolidated School Act, he shall render himself liable to a penalty not exceeding ten dollars, to be recovered before a magistrate, for the school purposes of his municipality, at the instance of any ratepayer thereof.

Trustees may provide residences for teachers.

20. The Trustees of any school section or municipality shall have the same authority to provide a residence for a school teacher that they now have by law to provide a school site.

Contents of the annual school trustees report.

21. The report of the school Trustees required by law to be laid before the annual school meeting, shall include a summary of their proceedings and state of the school during the year, together with a detailed statement of receipts and expenditure, signed by either or both of the school auditors of the section, and in case of difference of opinion between the auditors on any matter in the accounts, it shall be referred to and decided by the County Inspector.

Differences between auditors to be referred to the Inspector.

Notices of trustee meeting.

22. Should the secretary of a Trustee corporation neglect or refuse at any time to give notice of a School Trustee meeting, it shall be lawful for any Trustee to do so.

Moneys to be paid to the secretary-treasurer.

Trustees neglecting to take security from the secretary-treasurer.

23. All moneys collected in any school section by the Trustee corporation, shall be paid into the hands of the secretary-treasurer thereof; and should the Trustees refuse or neglect to take proper security from such secretary-treasurer, they shall be held to be personally responsible for such moneys; and the provisions of the one hundred and thirty-seventh section of the Consolidated School Act shall apply to them.

Declaration by chairman.

24. Any chairman of a school meeting, who may be elected school

School Trustee at such meeting, shall make the declaration of office, now required of Trustees by law, in presence of the secretary of such meeting.

25. Should the majority of the School Trustees, or the majority of a public school meeting, neglect or refuse, in case of a difference in regard to a school site, to appoint an arbitrator, as provided in the thirtieth section of the Consolidated School Act, or should the owner of land selected as a school site, as provided by section seventeen of this Act, refuse to appoint an arbitrator, it shall be competent for the County Inspector, with the arbitrator appointed, to meet and determine the matter, and the County Inspector, in case of such refusal or neglect, shall have a second or casting vote, provided they should not agree.

Trustees neglecting to appoint an arbitrator in cases of differences regarding school sites.

26. Should only a majority of the arbitrators appointed to decide any case under the authority of the school laws of this Province, be present at any lawful meeting, in consequence of the neglect or refusal of their colleagues to meet them, it shall be competent for those present to make and publish an award upon the matter or matters submitted to them, or to adjourn the meeting for any period not exceeding ten days, and give the absent arbitrator notice of such adjournment.

Proceedings where an arbitrator is absent.

27. All matters of difference between Trustees and teachers, authorized and required by the eighty-fourth, eighty-fifth, eighty-sixth and eighty-seventh sections of the Consolidated School Act, passed in the twenty-second year of Her Majesty's reign, and chaptered sixty-four; the ninth section of the School Law Amendment Act, passed in the twenty-third year of Her Majesty's reign, and chaptered forty-nine; and the ninth section of the Grammar School Improvement Act of 1865, passed in the twenty-ninth year of Her Majesty's reign, and chaptered twenty-nine, to be settled by arbitration, shall hereafter be brought and decided in the division court by the judge of the county court in each county; and the said clauses of the said Acts are hereby repealed; Provided always, that the decision of any county judge in all such cases may be appealed from, as provided in the one hundred and eighth and five following sections, or sub-sections of the said Consolidated Common School Act, and the twenty-eighth section of this Act.

Differences between trustees and teachers to be settled by the county judge.

Proviso—Appeal from judge's decision.

28. Any division court judge receiving an intimation of appeal from his decision, under the authority of the one hundred and eighth and five following sections of the Consolidated School Act, shall thereupon certify, under his hand, to the Chief Superintendent of Education, the statement of claim and other proceedings in the case, together with the evidence and his own judgment thereon, and all objections made thereto.

In cases appealed, judge to send statement of claim, etc., to chief superintendent of education.

29. The summer vacations of all the Public Schools shall be from

Summer vacations.

from the fifteenth day of July to the fifteenth day of August inclusive.

22 Vic., cap.
64, amended.

30. Several sections and sub-sections of the Consolidated Common School Act for Upper Canada, passed in the twenty-second year of Her Majesty's reign, and chaptered sixty-four, shall be amended as follows :

Sec. 23.

(1.) The twenty-third section, after the words "twenty dollars," shall read, "to be sued for and recovered before a justice of the peace, by the Trustees of the school section, or by any two ratepayers, for its use."

Sec. 27, sub-s.
2.

(2) In the second sub-section of the twenty-seventh section, the words, "and shall proceed in the same manner as ordinary collectors of county or township rates and assessments," shall be amended to read as follows : "and shall have the same powers and proceed in the same manner in his school section and township, as a township collector, in collecting rates in a township or county, as provided in the Municipal Corporations and Assessment Acts."

Sec. 27, sub-s.
8.

(3.) The eighth sub-section of the same (twenty-seventh) section shall be amended by striking out all the words therein after the word "salaries."

Sec. 27, sub-s.
9.

(4.) The ninth sub-section of the same (twenty-seventh) section, after the words "school section," shall be amended, so as to read as follows : "but they [the Trustees] shall not give such order in behalf of any teacher, except for the actual time during which said teacher, while employed, held a legal certificate of qualification."

Sec. 27, sub-s.
12.

(5.) At the end of the twelfth sub-section of the same (twenty-seventh) section, the following words shall be added : "and in case of any omission or mistake in such roll, the township council shall have authority to correct it."

Sec. 91, sub-s.
1.

(6.) In the first sub-section of the ninety-first section, the words, "he shall apportion no money," shall read, "he shall apportion, but shall not give an order to pay money."

Reference in
school Acts to
the Municipal
and Assess-
ment Acts.

31. Wherever reference is made in any School Act to the Municipal Institutions or Assessment Acts, it shall be held to mean those Acts, or amendments to them, which may be in force at the time of performing any duty under their authority.

Grammar and
public schools
to be under
the boards of
public school
trustees.

32. The public schools in cities, towns and incorporated villages shall be under the management of Boards of Public School Trustees ; and each of such boards shall be a corporation under the designation of Public School Board, and shall succeed to all the property, rights, obligations and powers of Boards

Boards of Common School Trustees in such cities, towns and villages; Provided that the Common School Boards shall continue in office until their successors are elected, as provided by the thirty-third section of this Act.

Proviso—as to existing boards.

33. The members of the Public School Boards shall be elected and classified in the manner provided by law for the election and classification of Common School Trustees in cities, towns, and incorporated villages.

Election and classification of members of the board.

34. Boards of Grammar School Trustees shall be designated High School Boards; and the Grammar Schools shall be designated and known as High Schools, in which provision shall be made for teaching to both male and female pupils the higher branches of an English and commercial education, including the natural sciences, with special reference to agriculture, and, also, the Latin, Greek, French and German languages, to those pupils whose parents or guardians may desire it, according to a programme of studies and regulations, which shall be prescribed from time to time by the Council of Public Instruction, with the approval of the Lieutenant-Governor in Council; and the Council of Public Instruction shall have power to exempt any High School, which shall not have sufficient funds to provide the necessary qualified teachers, from the obligation to teach the German and French languages.

Grammar schools to be high schools. Education therein.

35. All the provisions of the Grammar School Act shall, as far as is consistent with the provisions of this Act, apply to High Schools, their Trustees, head masters and other officers, as fully as they apply to Grammar Schools and their officers; And, as far as the fund will permit, it shall be lawful for the Lieutenant-Governor in Council to authorize the establishment of additional High Schools upon the conditions prescribed by the Grammar School Act and this Act.

Certain provisions of the grammar school Act to apply to this Act.

Board may provide for the support of high schools.

36. The Grammar or High School grant shall be exclusively applied in aid of High Schools; and of the sums of money required to be raised from local sources for the support of a High School a sum equal to one-half of the amount paid by the Government to any High School in a city or town withdrawn from the jurisdiction of the county, together with such other sum as may be required for the accommodation and support of such school, shall be provided by the Municipal Council of such city or town, upon the application of the High School Board. In the case of a High School in towns, incorporated villages or townships, one-half of the amount paid by the Government shall be paid by the Municipal Council of the county in which such High School is situated, upon the application of the High School Board; and such other sums as may be required for the maintenance and school accommodation of the said High School, shall be raised by the Council of the Municipality in which the High School is situated, upon the application of the High School Board.

Application of the grammar school grant.

Board ; or, in the event of the county council forming the whole or parts of a county into one or more High School District, then such other sums as may be required for the maintenance of the said High School shall be provided by the High School District upon the application of the High School Board in the manner hereinafter provided :

(1.) The Council of any municipality or the Councils of the respective municipalities, out of which the whole or part of such High School District is formed, shall, upon the application of the High School Board, raise the proportion required to be paid by such municipality or part of the municipality, from the whole or part of the municipality, as the case may be.

Conditions upon which public or high schools may share in the school fund.

37. No Public or High School shall be entitled to share in the Fund applicable to it unless it is conducted according to the regulations provided by law ; and each High School, conducted according to law, shall be entitled to an apportionment at the rate of not less than four hundred dollars per annum, according to the average attendance of pupils, their proficiency in the various branches of study, and the length of time each such High School is kept open, as compared with other High Schools.

Board of examiners for admission of pupils to high schools.

38. The County, City or Town Inspector of Schools, the Chairman of the High School Board and the Head Master of the High School shall constitute a Board of Examiners for the admission of pupils to the High School, according to the regulations and programme of examination provided according to law ; and it shall be the duty of the Inspector of High Schools to see that such regulations are duly observed in the admission of pupils to the High Schools ; Provided nevertheless, that the pupils already admitted as Grammar School pupils according to law shall be held eligible without further examination for admission as pupils of the High Schools ; And provided furthermore, that pupils from any part of the County in which a High School is or may be established shall be admitted to such school on the same terms as pupils within the town or village of such school.

Proviso—As to pupils already admitted to grammar schools.

Proviso—As to the admission of pupils from the county.

Inspectors of grammar schools to be inspectors of high schools.

39. The Inspector or Inspectors of Grammar Schools now authorized by law shall be known as the Inspector or Inspectors of High Schools.

County council may form high school districts.

40. Every county council shall determine the limits of each High School District for each Grammar School now existing within the county, and may form the whole or part of one or more townships, towns and villages within its jurisdiction into a High School District ; and the High School Board of such District shall possess all the powers within the said District, for the support and management of their High School, and in respect to the county council, as are possessed under the Grammar School Acts and this Act by High School Boards in respect to the support

Board of trustees—how appointed.

Power of board of trustees.

support and management of the schools under their care; and such county council may appoint and determine the continuance and succession in office of six duly qualified persons as members of such High School Board. Provided however, that existing Grammar School divisions already established shall be called High School Districts, and continue as such till otherwise altered by by-law of such county council.

County councils may appoint members to the board.

41. And whereas it is desirable to encourage the establishment of superior classical schools, it shall be lawful for the Lieutenant-Governor in Council to confer upon any High School, in which not less than four masters are fully employed in teaching the subjects of the prescribed curriculum, and in which the daily average of male pupils studying the Latin or Greek language shall not be less than sixty, the name Collegiate Institute; and towards the support of such Collegiate Institute it shall be lawful for the Lieutenant-Governor in Council to authorize the payment of an additional sum, at the rate of, and not exceeding seven hundred and fifty dollars per annum out of the Superior Education Fund, provided under the authority of the tenth section of the Consolidated Grammar School Act, passed in the twenty-second year of Her Majesty's reign, and chaptered sixty-three; Provided, that if in any year the average of pupils above described shall fall below sixty, or the number of masters be less than four, the additional grant shall cease for that year; and if the said average shall continue to be less than sixty, or the number of masters less than four, for two successive years, the institution shall forfeit the name and privileges of a Collegiate Institute, until restored by the Lieutenant-Governor in Council, under the conditions provided by this section.

Collegiate institutes.

Grant in support of collegiate institutes.

Proviso.

42. The Public School Board of each city, town and village may establish one or more Industrial Schools for otherwise neglected children; and make all needful regulations and employ the means requisite to secure the attendance of such children; and for the support, management and discipline of such school or schools.

Industrial schools.

43. Each male teacher of a public school holding a certificate of qualification under the School Acts of this Province shall, and each such female teacher may, pay into the fund for the support of superannuated school teachers the sum of four dollars annually; and each Inspector of schools is hereby authorized and required to deduct one half of such sum semi-annually from any payments made by him to any male teacher under his jurisdiction, and transmit the same to the Education Department; Provided always, that any teacher retiring from the profession shall be entitled to receive back from the Chief Superintendent one half of any sums thus paid in by him to the fund; And provided further, that on the decease of any teacher, his wife, or other legal representative, shall be entitled to receive back the full amount paid in by such teacher

Superannuated teachers' fund.

teacher, with interest at the rate of seven per centum per annum.

Summer vacation in high schools.

44. The summer vacation in the High Schools throughout the Province shall be from the first day of July until the fifteenth day of August inclusive.

Audit of treasurer of high schools' accounts.

45. The treasurer of every High School Board shall submit his accounts to the county Auditors to be audited by them in the same manner as the county treasurer's accounts are audited, and it shall be the duty of the county Auditors to audit such accounts.

Jurisdiction over persons having school moneys or property in their hands.

46. The one hundred and thirtieth and seven following sections of the Consolidated School Act, passed in the twenty-second year of the reign of Her Majesty, and chaptered sixty-four, shall apply to every school trustee or other person, into whose hands any school moneys or school property shall come, and who neglects or refuses to account for, or deliver up the same when called upon by competent authority to do so; and the County Judge, upon application of any two ratepayers in a school section or division, supported by their affidavit of the facts made before a Magistrate, shall have the same jurisdiction in the case, as he has in that of a secretary-treasurer, by the said sections of the Consolidated School Act; Provided always, that it shall be the duty of school trustees to exact security from every person to whom they entrust school money, or other school property, and to deposit such security with the township council for safe keeping.

Security for school money.

Certain sections of 32 Vic., cap. 44, to apply only to Toronto.

47. The provisions of the Act passed in the thirty-second year of Her Majesty's reign, chaptered forty-four, intituled "An Act to amend the Act respecting Common Schools in Upper Canada," are, except the ninth and tenth sections thereof, hereby declared to apply to the city of Toronto alone.

Certain School Acts repealed.

48. All the provisions of the Grammar and Common School Acts which are inconsistent with this Act are hereby repealed.

CAP. XXXIV.

The Pharmacy Act of 1871.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS it is expedient for the safety of the public that persons engaged in the sale of dangerous, poisonous and medicinal substances, should be acquainted with their nature and

and uses; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. From and after the first day of July, in the year of our Lord one thousand eight hundred and seventy-one, it shall be unlawful for any person to sell or keep open shop for retailing, dispensing, or compounding poisons, or to sell or attempt to sell any of the articles mentioned in Schedule "A" of this Act, or to assume or use the title "Chemist and Druggist," or "Chemist" or "Druggist," or "Pharmacist or Apothecary" or "Dispensing Chemist or Druggist," in any part of the Province of Ontario, unless such person shall be registered under this Act, nor unless such person has taken out a certificate under the provisions of section twenty-one of this Act, for the time during which he is selling, or keeping open shop for retailing, dispensing or compounding poisons, or assuming or using such title.

Restriction on sale of poisons, etc., and on the assumption of certain titles.

2. The several articles named or described in Schedule "A," shall be deemed to be poisonous within the meaning of this Act, and the Council of the Ontario College of Pharmacy, hereinafter mentioned, may, from time to time by resolution declare, that any article in such resolution named ought to be deemed a poison within the meaning of this Act, and thereupon the said Society shall submit the same for the approval of the Lieutenant-Governor in Council, and if such approval shall be given, then such resolution and approval shall be advertised in the *Ontario Gazette*, and on the expiration of one month from such advertisement, the article named in such resolution shall be deemed to be a poison within the meaning of this Act, and the same shall be subject to the provisions of this Act or such of them as may be directed by the Lieutenant-Governor in Council.

Certain articles to be deemed poisonous.

3. It shall be unlawful to sell any poison named in the first part of Schedule "A," either by wholesale or retail, unless the box, bottle, vessel, wrapper, or cover in which such poison is contained be distinctly labelled with the name of the article and the word "Poison," and if sold by retail, then also with the name and address of the proprietor of the establishment in which such poison is sold; and it shall be unlawful to sell any poison mentioned in the first part of Schedule "A," to any person unknown to the seller unless introduced by some person known to the seller; and on every sale of any such article the person actually selling the same shall, before delivery, make an entry in a book to be kept for that purpose, in the form set forth in Schedule "B" to this Act, stating the date of the sale, the name and address of the purchaser, the name and quantity of the article sold, the purpose for which it is stated by the purchaser to be required, and the name of the person, if any, who introduced him, to which entry the signature of the purchaser shall be affixed.

Certain poisons to be sold only in a certain manner.

The Ontario
College of
Pharmacy,
formation of.

4. For the purpose of more effectually carrying out the objects of this Act, it shall be lawful for the persons at the time of the passing of this Act engaged as principals or assistants in the business of an Apothecary, or Chemist and Druggist, and those persons who shall have carried on business as an Apothecary or Chemist and Druggist, for a period of three years before the passing of this Act, in the Province of Ontario, to form themselves into a society to be called "The Ontario College of Pharmacy," and every person so engaged in business on his own account, and every person who, at the time of the passing of this Act, has served an apprenticeship of three years, and has acted as Druggist's assistant for one year, shall, upon payment of a fee of four dollars to the Treasurer of the said Society, be entitled to be enrolled as a member of the said Society, and every person so engaged as a clerk, assistant or apprentice, on payment of a fee of two dollars, shall be entitled to be enrolled as an associate of the said College.

Admission of
members.

5. Any associate may, upon passing such an examination as may be prescribed by the Council, be admitted and enrolled as a member of the said College.

The Ontario
College of
Pharmacy
incorporated.

6. William Elliot, Hugh Miller, George Hodgetts and W. H. Dunsbaugh, of the city of Toronto; John W. Bickle, John Winer and A. Hamilton, of the city of Hamilton; B. A. Mitchell and William Saunders, of the city of London; E. H. Parker, of the city of Kingston; John Brown and John Roberts, of the city of Ottawa; S. J. Parker, of the town of Owen Sound; James Mills, of the town of St. Catharines; J. Hawkes of the town of Cornwall; F. Brendon, of the town of Brantford; F. Jordan, of the town of Goderich; C. Stork, of the town of Brampton; C. Brent, of the town of Port Hope; E. Gregory, of the town of Lindsay; A. W. Kempt, of the town of Peterborough; and Henry John Rose, of the city of Toronto; Thomas Matchett, of Omemee, in the County of Victoria, and James Clements Holden, of the town of Belleville; and such other persons as may become members or associates of the said College under the provisions of this Act, shall be and are hereby constituted a body politic and corporate under the name of "The Ontario College of Pharmacy."

Provisional
Directors, etc.

7. Until other persons be elected, as hereinafter provided, the persons first hereinbefore named, shall be the Council, or Board of Directors of the said Society, and shall act as a Board to grant certificates of competency to conduct the business of a Chemist and Druggist, and to be registered under this Act; and the said Henry John Rose shall be Provisional Registrar of said society. The first meeting of said Council shall be held on the first Wednesday in July, one thousand eight hundred and seventy-one, at the city of Toronto, at such time and place as the Provisional Registrar and any two of the above named persons

H. J. Rose to
be Registrar.

First meeting.

may

may fix, and of which notice shall be given for at least four weeks prior thereto in the *Ontario Gazette*.

8. The said Pharmaceutical Council to be elected, as herein-after mentioned, shall consist of thirteen members, who shall hold office for two years. Any member of said Council may at any time resign by letter directed to the Registrar of said College; and in the event of any vacancy occurring, the remaining members of the Council shall fill up such vacancy from the members of the College.

Council, of whom composed.
Resignation of Members and vacancy how filled.

9. The first election shall take place on the first Wednesday in October, in the year of our Lord one thousand eight hundred and seventy-one, at such place as shall be fixed by resolution of the said Provisional Council; and the Registrar to be appointed by the said Council shall act as Returning Officer at the said election, and the persons entitled to vote at such first election shall be all persons who are at the time of the passing of this Act engaged as Chemists and Druggists on their own account or in partnership with any other person in the Province of Ontario.

The first election of the council, how to be held.

10. Every subsequent election shall be held on the first Wednesday in July in every second year, and the persons qualified to vote at such election, shall be such persons as are members of the said Society.

Subsequent elections, how to be held.

11. The said Council shall, at their first meeting, elect from themselves a President and Vice-President, and shall appoint a Registrar and such other officers as the said Council may consider necessary.

President and officers, how elected.

12. The said Council shall hold at least two sittings in every year, on the first Wednesday in February and first Wednesday in August, for the purpose of granting certificates of competency, at such places as they may by resolution appoint, of which due notice shall be given for at least one month in the *Ontario Gazette*, and at least two papers in the City of Toronto.

Sittings of the Council.

13. Every person, desirous of being examined touching his qualifications to act as a Chemist and Druggist, shall, at least two weeks before the sittings of the said Council, pay into the hands of the Registrar the required fees, not exceeding four dollars, together with a notice of his intention to present himself for such examination.

Candidates for examination to pay fees and give notice.

14. Any person, having passed such examination to the satisfaction of the majority of the examiners, shall be entered upon the Roll of Registered Chemists and Druggists, and shall become a member of the College; such examinations may be conducted by the members of the Council, or by persons appointed by them.

Entry on the Roll.
Who may examine.

Registers to be kept of persons registered or entitled to be registered.

15. It shall be the duty of the Registrar to make and keep a correct Register, in accordance with the provisions of this Act, as shown in Schedule "C," of all persons who shall be entitled to be registered under this Act, and to enter opposite the names of all registered persons who shall have died, a statement of such fact, and from time to time to make the necessary alterations in the addresses of persons registered under this Act, and shall cause to be printed and published on or before the fifteenth day of June of each year, an alphabetical list of the members who were on the first day of June of that year entitled to keep open shop as Pharmaceutical Chemists.

Who may not be entered on the Register.

16. No names shall be entered in the Register except of persons authorized by this Act to be registered, nor unless the Registrar be satisfied by proper evidence that the person claiming is entitled to be registered; and any appeal from the decision of the Registrar may be decided by the Council of the said College, and any entry which shall be proved to the satisfaction of such Council to have been fraudulently or incorrectly made, may be erased from or amended in the Register by order of such Council.

Appeal from decision of the Registrar.

Certain persons may be entered on Register,

17. All persons who at the time of the passing of this Act were in business as Chemists and Druggists, or Chemists, Druggists or Apothecaries, upon their own account or in partnership with any other person, or who have served an apprenticeship of three years and have acted as a Druggist's assistants for one year, shall be entitled to be registered under this Act, upon production to the Registrar of such evidence of their having been so engaged as the Council of the said College may require, and upon payment of a registration fee of four dollars; but in case any person has paid the fee of four dollars mentioned in the fourth section, the same shall be credited to him as his registration fee; and there shall be payable to the Registrar of the said College, for the uses of the College, on the first day of May of each year, by every person registered and carrying on business as a Pharmaceutical Chemist, the sum of four dollars.

on certain evidence.

Fees.

Power to hold real estate, build, &c.

18. The Ontario College of Pharmacy shall have power to acquire and hold real estate, not exceeding at any time in annual value five thousand dollars, and the same, or any part thereof, may alienate, exchange, mortgage, lease or otherwise charge or dispose of, as occasion may require, and may erect buildings for the purpose of accommodating Lecturers on Chemistry or Pharmacy, or for a Library, Pharmaceutical Museum, or specimen room for the use of the members and associates of said College; and all fees payable under this Act shall belong to the said College for the purpose of this Act.

Fees.

Powers of the Council as to subjects of examination, &c.

19. The Council of the said Society shall, subject to the supervision and disallowance thereof by the Lieutenant Governor in Council, have authority to prescribe the subjects upon which candidates

candidates for certificates of competency shall be examined; to establish a scale of fees, not to exceed four dollars, to be paid by associates of the said College and other persons applying for examination; and to make by-laws, rules and orders for the regulation of their own meetings and proceedings and those of the College; and for the admission of Druggists' assistants and apprentices as associates of the said Society; and for the remuneration and appointment of examiners and officers of the said College; and for the payment of the actual expenses of the members of the said Council in attending its sittings, or in attending upon the business of the said Society; and in respect to any other matters which may be requisite for the carrying out of this Act.

20. Any person registered under this Act, and no other, shall be entitled to be called a "Pharmaceutical Chemist;" and no other person except a Pharmaceutical Chemist as aforesaid, or his employee or employees, shall be authorized to compound prescriptions of legally authorized medical practitioners; but no person shall be entitled to any of the privileges of a Pharmaceutical Chemist, or member of the said Society, who is in default in respect to any fees payable by him by virtue of this Act.

Who alone may be styled Pharmaceutical Chemist, and dispense.

21. Upon any person being registered under this Act, he shall be entitled to receive a certificate in the form in Schedule "D," or to the like effect, under the corporate seal of the said Society, and signed by the Registrar, and shall be entitled to receive a similar certificate annually upon payment of the said fee of four dollars.

Certificate to be granted on Registry.

22. Every Pharmaceutical Chemist carrying on business on his own account, shall display his certificate in a conspicuous position in his place of business.

Certificate to be publicly displayed.

23. No person shall wilfully or knowingly sell any article under the pretence that it is a particular drug or medicine which it is not in fact, and any person so doing (beside any other penalties to which he may be liable) shall be subject to the penalties prescribed by the twenty-fifth section of this Act.

Penalties on wrongfult sales.

24. All compounds named in the British Pharmacopœa shall be prepared according to the formula directed in the latest edition published "by authority," unless the College of Physicians and Surgeons of this Province shall select another standard, or unless the label distinctly shows that the compound is prepared according to another formula.

How compounds to be prepared.

25. Any person transgressing any of the provisions of this Act, or selling any poison in violation thereof, shall for the first offence, incur a penalty not exceeding twenty dollars and costs of prosecution, and for each offence committed subsequent to such conviction, a penalty not exceeding fifty dollars and

Penalties for infringement of the Act.

and costs of prosecution, to be recovered in a summary manner before any two Justices of the Peace or Police Magistrate on the oath of one or more credible witnesses, one moiety to belong to the prosecutor and the other to Her Majesty for the public uses of this Province; Provided always, that there may be an appeal under the Summary Convictions Act of Upper Canada.

Proof on
prosecutions.

26. In any prosecution under this Act it shall be incumbent upon the defendant to prove that he is entitled to sell or keep open shop for compounding medicines or retailing poisons, and to assume the title of Chemist and Druggist or other title mentioned in section one of this Act; and the production of a certificate purporting to be under the hand of the Registrar and under the seal of the said Society, showing that he is so entitled, shall be *prima facie* evidence that he is so entitled.

Price of arti-
cles sold con-
trary to this
Act not to be
recovered.

27. No person selling articles in violation of the provisions of this Act shall recover any charges in respect thereof in any Court of Law or Equity.

Cases to
which the Act
does not ap-
ply.

28. Nothing in this Act contained shall extend to or interfere with the privileges conferred upon Physicians and Surgeons by any of the Acts relating to the Practice of Medicine and Surgery in this Province, and they may be registered as Pharmaceutical Chemists without undergoing examination; nor shall it prevent any person whatsoever from selling goods of any kind to any person legally authorized to carry on the business of an Apothecary, Chemist, or Druggist or the profession of a Doctor of Medicine, Physician, or Surgeon, nor Veterinary Surgeons, or to prevent the members of such profession supplying to their patients such medicine as they may require, nor with the business of wholesale dealers in supplying poisons or other articles in the ordinary course of wholesale dealing; and upon the decease of any person legally authorized and actually carrying on the business of Chemist and Druggist at the time of his death, it shall be lawful for the executor, administrator or trustee of the estate of such person to continue such business, if, and so long only as such business shall be *bona fide* conducted by a Pharmaceutical Chemist registered under this Act; Provided always, that nothing in this Act shall prevent any member of the College of Physicians and Surgeons of Ontario from engaging in and carrying on the business of an Apothecary, Chemist or Druggist without registration under the provisions of this Act.

Erasing of
name of
member on
conviction of
offences.

29. Upon a resolution of the Council of the said Society being passed declaring that any person in consequence of his conviction for any offence or offences against this Act is, in the opinion of the Council, unfit to be on the Register under this Act, the Lieutenant-Governor in Council may direct that the name of such person shall be erased from such Register, and it shall be the duty of the Registrar to erase the same accordingly.

30. Chapter ninety-eight of the Consolidated Statutes of Con. Stat.,
Canada is hereby repealed, so far as the Province of Ontario cap. 98,
is concerned. repealed.

31. This Act may be cited as "The Pharmacy Act of 1871." Short title of
Act.

SCHEDULE "A."

PART 1.

Acid, Hydrocyanic (Prussic).
Aconite, and compounds thereof.
Antimony, Tartrate of
Arsenic, and the compounds thereof.
Atropine.
Conia, and the compounds thereof.
Corrosive Sublimate.
Digitaline.
Ergot.
Hemp, Indian.
Morphia, and its Salts and Solutions.
Oil, Cedar.
Strychnine, and Nux Vomica.
Savine, and preparations of.
Veratria.

PART 2.

Acid, Oxalic.
Belladonna, and the compounds thereof.
Beans, Calabar.
Cantharides.
Chloral Hydrat.
Chloroform and Ether.
Conium, and the preparations thereof.
Croton Oil and Seeds.
Cyanide of Potassium.
Euphorbium.
Elaterium.
Goulard Extract.
Hyosciamus and preparations.
Hellebore.
Iodine.
Opium, with its preparations, including Laudanum, &c., but
not Paregoric.
Pink Root.
Podophyllin.
Potassium, Iodide of

Potassium

Potassium, Bromide of.
St. Ignatius Beans.
Santonine.
Scammony.
Stramonium and preparations.
Valerian.
Verdigris.
Zinc, Sulphate of.

SCHEDULE "B."

DATE.	Name of Purchaser.	Name and quantity of Poison sold.	Purpose for which it is required.	Signature of purchaser.	Address of Purchaser.	Name of Person intro- ducing Purchaser.

SCHEDULE "C."

NAME.	RESIDENCE.	QUALIFICATION.	REMARKS.
A. B.	Kingston.	In Business prior to Pharmacy Act.	Dead.
C. D.	Hamilton.	Examined and Certified, 12th July, 1871.	Erased by Order of Lt.-Gov., Dated 14th Oct., 1879.
E. F.	London.	Served apprenticeship and as assistant.	

SCHEDULE "D."

I hereby certify, that *C. D.*, having first passed the examination prescribed by the Pharmaceutical Council, (*or* having been in business, or was qualified assistant, prior to the Pharmacy Act of 1871, *as the case may be*), was on the day of duly registered as a Pharmaceutical Chemist, and is authorised to carry on the business of Chemist and Druggist in the Province of Ontario, from the day of A.D. 18 to the day of A.D. 18

[Corporate Seal.]

(Signed)

E. F.
Registrar of the
Pharmaceutical Society.

CAP. XXXV.

An Act to amend the Act passed in the thirty first year of the reign of Her Majesty, chaptered twelve, intituled an Act for the better protection of Game in the Province of Ontario.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS it is expedient to amend the Law respecting Game within the Province of Ontario: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

31 V. ch. 12,
s. 2, amended.

1. That section two of the said Act, passed in the thirty-first year of Her Majesty's reign, chaptered twelve, be repealed and the following inserted in lieu thereof:

Deer, etc., not
to be killed in
certain periods

No Deer or Fawn, Elk, Moose, or Cariboo shall be hunted, taken or killed between the nineteenth day of December, and the first day of September of the following year.

Ss. 4 and 6
amended.

2. That section six of the said Act, and also section four of chapter twelve of the Act passed in the thirty-second year of Her Majesty's reign, be repealed, and the following inserted in lieu thereof:

Duck, etc.,
not to be killed
in certain
periods.

No Black Duck, Grey Mallard, Teal, or Wood Duck shall be taken or killed between the fifteenth day of April and the fifteenth day of September of the same year, and no other Ducks, wild Swans or Geese from the first day of May to the fifteenth day of August of the same year.

3. That section fifteen of the said Act be repealed, and the following words inserted in lieu thereof: Sec. 15 amended.

And whereas it is desirable to prevent the destruction of certain animals at seasons of the year when their furs are of little or no value: It is further enacted that no Beaver, Mink, Sable, Otter, or Fisher shall be trapped, hunted, taken, or killed, nor shall any trap or snare be laid for the same or any of them between the first day of March and the first day of November, of the same year; and no Muskrat shall be trapped, hunted, taken or killed, nor shall any trap or snare be laid for the same from the first day of May in any year, to the first day of February in the following year. Certain fur bearing animals not to be trapped in certain periods.

4. That section five of chapter twelve, passed in the thirty-first year of Her Majesty's reign, also section three of chapter twelve, passed in the thirty-second year of Her Majesty's reign, be repealed, and the following inserted in lieu thereof: 31 V. ch. 12, s. 5, and 32 V. ch. 12, s. 3, repealed.

No Woodcock or Snipe shall be taken or killed between the first day of March and the fifteenth day of July in any year. Woodcock or Snipe not to be killed in certain periods.

5. No Quail shall be taken or killed for three years from the passing of this Act; and thereafter no Quail shall be taken or killed between the first day of January and the first day of October in any year. Quail not to be killed for three years.

6. It shall not be lawful for any person to kill or take any animal by the use of poison or poisonous substances, nor to expose poison, poisoned bait, or other poisoned substances in any place or locality where dogs or cattle may have access to the same. Poison not to be used to kill animals.

7. That section twelve of the Act passed in the thirty-first year of Her Majesty's reign, chapter twelve, be repealed, and the following inserted instead thereof: 31 V. ch. 12, s. 12, repealed.

Any offence against any provision of this Act shall be punished summarily, on information and conviction before a Justice of the Peace, by a fine not exceeding twenty-five dollars nor less than two dollars for each head of game killed in contravention hereof, in the discretion of such Justice, with costs, or in default of payment, by imprisonment in a common gaol for a term not exceeding thirty days; the whole of said fine shall be paid to the informer. Penalty.

CAP. XXXVI.

An Act to incorporate the North Grey Railway Company.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS Cyrus Richmond Sing, James Paterson, Joseph Rorke, the Honorable John Beverley Robinson, Humphrey Lloyd Hime, Frederick William Coate and Allan McLean Howard have petitioned the Legislature for an Act to construct a Railway from some point on the Northern Railway of Canada, at or near the Town of Collingwood, in the County of Simcoe, to the Village of Meaford, in the County of Grey, with power to extend the same to the Town of Owen Sound, in the said County of Grey; and it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said Cyrus Richmond Sing, James Paterson, Joseph Rorke, the Honourable John Beverley Robinson, Humphrey Lloyd Hime, Frederick William Coate and Allan McLean Howard, together with such other persons and corporations as shall become shareholders of the Company hereby incorporated, shall be, and are hereby ordained, constituted and declared to be a body corporate and politic by and under the name and style of “The North Grey Railway Company.”

Corporate name of Company.

Certain clauses of the Railway Act to apply.

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada and amendments with respect to the first, second, third, fourth, fifth and sixth clauses thereof; and also the several clauses thereof with respect to “interpretation,” “incorporation,” “powers,” “plans and surveys,” “lands and their valuation,” “highways and bridges,” “fences,” “tolls,” “general meetings,” “president and directors, and their election and duties,” “calls,” “shares and their transfer,” “municipalities,” “shareholders,” “actions for indemnity and fines, and penalties and their prosecution,” “by-laws,” “notices, &c.,” “working of the railway,” and “general provisions,” shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said company and to the Railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof: and the expression “this Act,” when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

Interpretation of the words “this Act.”

Construction of Railway.

3. The said Company shall have full power and authority to lay out, construct, and complete a double or single iron railway from some point on the Northern Railway of Canada, at or near the Town of Collingwood, in the County of Simcoe, to the Village

lage of Meaford, in the County of Grey, with power to extend the same to the Town of Owen Sound, in the said County of Grey, and with full authority to pass over any of the country between the points aforesaid, and to carry the said Railway through the Crown lands lying between the points aforesaid.

4. Cyrus Richmond Sing, James Paterson, Joseph Rorke, James Stewart, James Clelland, John Tyson, James Knott, William Fawsett, William White, Thomas Andrews, The Honourable John Beverley Robinson, Humphrey Lloyd Hime, Frederick William Coate, Allan McLean Howard, Thomas Scott, F. W. Cumberland, and George D'Arcy Boulton, with power to add to their number, shall be, and are hereby constituted Provisional Directors of the said Company, and shall hold office as such, until other directors shall be elected under the provisions of this Act, by the shareholders; and shall have power and authority immediately after the passing of this Act, to open stock-books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be made and executed, and as hereinafter provided to call a general meeting of the shareholders for the election of directors, and with all such other powers as under the Railway Act are vested in ordinary directors.

Provisional
directors.

Their powers.

5. The capital stock of the Company hereby incorporated, shall be one hundred and fifty thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided into shares of one hundred dollars each, which amount shall be raised by the persons and corporations who may become shareholders in such Company; and the money so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses, and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and all the remainder of such money shall be applied to the making, equipment and completion of the Railway and the other purposes of this Act, and to no other purpose whatever.

Capital stock
of company.

Application
of the money
raised on the
stock.

6. It shall be lawful for any Municipality or Municipalities who may desire to assist in the construction of the said Railway, or any part thereof, to aid or assist the said Company by loaning or guaranteeing or giving money by way of bonus, or other means to the Company, or issuing Municipal bonds to or in aid of the Company, and otherwise in such manner and to such extent as such Municipalities or any of them shall think expedient; Provided always, that such aid, loan, bonus or guarantee shall be given under a By-law for the purpose, to be passed in conformity with the provisions of the Act respecting Municipal Institutions for the creation of debts, and all such By-laws so passed shall be valid, notwithstanding that the annual rate of assessment may exceed the aggregate rate

Municipalities
may aid by
granting
bonuses, etc.

Proviso.

rate of two cents in the dollar on the actual value of the whole ratable property within the Municipality or portion of a Municipality creating such debt; Provided always, that in no case shall such rate exceed, for all purposes, three cents in the dollar on the actual value of such ratable property; And provided, that in case of any such by-law being passed by the Township of St. Vincent to aid the said Railway, the actual value of the ratable property on the revised assessment roll of the said Township for the year one thousand eight hundred and sixty-nine shall be taken as the actual value of the said ratable property for the purpose of estimating the extent to which the aggregate rate of such assessment may be raised in the said Township.

If a portion of the municipality desire to aid, Council to pass a by-law;

7. In case the majority of the persons rated on the last assessment roll as freeholders, who may be qualified voters under the Municipal Act in any portion of the Municipality, do petition the Council of such Municipality to pass a By-law as hereinafter set out, such petition to define the metes and bounds of the section of the Municipality within which the property of the petitioners is situated; or in the case of a County Municipality the majority of the Reeves and Deputy Reeves for those Townships that may be asked to grant a bonus, do petition the Council of such County Municipality to pass a By-law as hereinafter set out, and in such petition do define the Townships for which they are respectively, the Reeves and Deputy Reeves, and expressing the desire of the said petitioners to aid in the construction of the said Railway by granting a bonus to the said Company for this purpose, and stating the amount which they so desire to grant, and to be assessed therefor; the Council of such Municipality shall pass a By-law, provided the said By-law shall be approved of by the majority of the qualified voters in the portion of the Municipality petitioning as aforesaid, in the manner required by the Municipal Act;

for issuing debentures;

(1) For raising the amount so petitioned for by such freeholders or such Reeves or Deputy Reeves in such portion of the Municipality, by the issue of debentures of the Municipality, payable in twenty years, and for the delivery to the trustees of the debentures for the amount of said bonus, at the times and on the terms specified in said petition;

for assessing and levying a rate.

(2) For assessing and levying upon all the ratable property lying within the section defined by said petition, an equal annual special rate, sufficient to include a sinking fund for the repayment of the debentures with interest thereon, such interest to be payable yearly or half-yearly, which debentures the Municipal Councils and the Wardens, Reeves, and other officers thereof are hereby authorized to execute and issue in such cases respectively, and the provisions of the Municipal Acts and of this Act shall apply to any bonus so granted, or by-law

so passed, by or for a portion of a Municipality; Provided always that any such aid for construction of the Railway between the Town of Collingwood and the Village of Meaford the Townships of Collingwood, Euphrasia and St. Vincent only shall be deemed within this section. Proviso.

8. That any county in which are situated a township, or Townships, that have granted, or hereafter may grant, a bonus or bonuses in aid of the said Railway Company, shall be at liberty to take the debentures issued by such township or townships, and in exchange therefor to hand over to the trustees, under this Act, the debentures of the county, on a resolution being passed to that effect by a majority of the County Council. Counties may take debentures issued by townships and give the Trustees the debentures of the County.

9. Whenever any municipality, or portion of a municipality, shall grant a bonus to aid the said Company in the making, equipping and completing of the said Railway, the debentures therefor may, at the option of the said Municipality, within six weeks after the passing of the By-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said Company, and one by the Reeves of the Townships of Collingwood, Euphrasia and St. Vincent, or the majority of them, who shall attend a meeting for that purpose, to be held at such time and place as the said Company may appoint for that purpose, notice of which shall be sent to each Reeve by mail at least fourteen days before the day appointed, all of the trustees to be residents of the Province of Ontario; Provided that if the said Reeves shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall neglect or refuse to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the Company shall be at liberty to name such other trustee or trustees. Debentures to be held by Trustees.

How Trustees to be appointed.

10. Any trustee appointed may be removed, and in such case, or in case of death or resignation, a new trustee may be appointed in his place at any time, with the consent respectively of the Lieutenant-Governor in Council, a majority of the said Reeves, and the said Company. Appointment of new Trustees.

11. The said trustees shall receive the said debentures in trust; firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some one or more of the chartered banks having an office in the City of Toronto, in the name of the "North Grey Railway Municipal Trust Account," and to pay the same out to the said Company from time to time, on the certificate of the Chief Engineer of the said Railway, in the form set out in schedule "A" hereto, or to the like effect, setting out the portion of the Railway to which the money to be paid out is applied, and the total amount expended on such portion to the date of Trusts upon which the debentures are to be held.

the

the certificate, and such certificate to be attached to the cheque to be drawn by the said trustees.

Act of two
Trustees to be
binding.

12. The act of any two of such trustees to be as valid and binding as if the three had agreed.

General meet-
ing for election
of directors ;
when to be
called.

13. So soon as one-fourth part of the said capital stock shall have been subscribed as aforesaid, and twenty per centum paid thereon and deposited in one of the chartered banks of this Province, for the purposes of the said Company, the Directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up twenty per centum thereof, for the purpose of electing Directors of said Company.

How the meet-
ing may be
called if the
provisional
directors
neglect to call
the same.

14. In case the Provisional Directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed, and twenty per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up twenty per centum, and who are subscribers among them for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon.

Notice of the
general meet-
ing.

15. In either case, notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette* and in one newspaper in the City of Toronto, and in one newspaper published in each of the counties through which the said railway is intended to pass, once in each week for the space of at least one month, and such meeting shall be held in the City of Toronto, at such place therein and on such day as may be named by such notice.

Election of
directors

16. At such general meeting the subscribers for the capital stock assembled, who shall have so paid up twenty per centum thereof, with such proxies as may be present, shall choose nine persons to be Directors, of whom each of the said Townships of Collingwood, Euphrasia and St. Vincent shall be respectively entitled to at least one Director from amongst the duly qualified persons resident in each of such townships; and may also make or pass rules, and regulations, and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Qualification
of directors.

17. No person shall be qualified to be elected as such Director by the shareholders, unless he be a shareholder holding at least ten shares of stock in the Company, and unless he has paid up all calls thereon.

Annual meet-
ing, when and
where to be
held.

18. Hereafter the general annual meeting of the shareholders of the said Company shall be held in such place either in the City of Toronto, the Town of Collingwood or the Village of

of Meaford, and on such days, and at such hours as the Directors of the said Company may from time to time by resolution declare; and public notice thereof shall be given at least fourteen days previously in the *Ontario Gazette*, and in one or more newspapers published in the counties through which the Railway runs. Notice thereof.

19. Special general meetings of the shareholders of the said Company may be held at such places in the City of Toronto, the Town of Collingwood or the Village of Meaford, and at such times, and in such manner, and for such purposes as the Directors may from time to time by resolution declare, and public notice thereof shall be given as required in the next preceding section with regard to the general annual meeting of the shareholders of the said Company. Special general meetings, when and where to be held.

20. The Directors of the said Company, after the sanction of the shareholders shall have been first obtained at any special general meeting, to be called from time to time for such purpose, but limited to the terms of this Act, shall have power to issue bonds made and signed by the President or Vice-President of the said Company, and countersigned by the Secretary, and under the seal of the said Company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the property of the Company real and personal, and then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata* with all the other holders thereof upon the undertaking, and the property of the Company as aforesaid. And such bonds may be issued to the extent of nine thousand dollars per mile of the said Railway actually under construction at the time of such issue; Provided that the interest upon such bonds shall be guaranteed by the Northern Railway Company of Canada; And provided also, that the amount of such bonds issued at any one time, shall not be in excess of the amount actually expended in surveys and works of construction upon the line of the said Railway. Issue of bonds by the Company to raise money.

Bonds may be issued to the extent of \$9,000 per mile.

Northern Railway to guarantee interest.

Proviso

21. In the event of the interest upon the said bonds remaining at any time unpaid, and owing then at the next ensuing General Annual Meeting of the said Company, all holders of the said bonds shall have and possess the same rights, and privileges and qualifications for Directors, and for voting, as are attached to shareholders; Provided that the said bonds, and any transfers thereof, shall have been first registered in the same manner as is provided for the registration of shares. Rights of holders of bonds at annual meeting when interest thereon is unpaid.

Bonds and transfers to be registered.

22. All such bonds, debentures, mortgages and other securities and coupons, and interest warrants thereon, respectively, may be made payable to bearer and transferable by delivery, and Securities may be payable to bearer.

and any holder of any such so made payable to bearer, may sue at law thereon in his own name.

Company may
make promissory
notes,
etc.,

23. The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary of the said Company, shall be binding on the said Company; and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange, nor shall the President or Vice-President or the Secretary be individually responsible for the same; Provided however, that nothing in this section shall be construed to authorize the said Company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

if not intended
to be circulated
as money.

Scale of votes.

24. Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him.

How stock
held by cor-
porations to be
represented.

25. At all meetings of the Company the stock held by municipal and other corporations, may be represented by such person as they shall respectively have appointed in that behalf, by by-law; and such persons shall, at such meetings, be entitled equally with other shareholders, to vote by proxy; and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock held by such shareholder shall have been paid up, at least one week before the day appointed for such meeting.

Only share-
holders who
have paid up
to vote.

Quorum of
directors.

26. Any meeting of the Directors of the said Company regularly summoned, at which not less than five Directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said Directors.

Calls upon
shares.

27. The Directors may at any time call upon the shareholders for such instalments upon each share which they or any of them may hold in the capital stock of the said Company, and in such proportions as they may see fit, except that no such instalment, after the first deposit hereby required, shall exceed ten per centum on the subscribed capital, and that thirty days' notice of each call shall be given in such manner as the Directors shall think fit.

Form of con-
veyances to
Company.

28. Conveyances of lands to the said Company, for the purposes of this Act, may be made in the form set out in the schedule "B" hereunder written, or to the like effect, and such conveyances shall be registered by duplicates thereof, in such manner and upon such proof of execution as is required under the Registry Laws of Ontario, and no registrar shall be entitled

How to be
registered.

entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificate endorsed on the duplicate thereof. Registrar's fees.

29. The gauge of the said railway shall be five feet six inches. Gauge of Railway.

30. It shall be lawful for the said Company to enter into any agreement with the Northern Railway of Canada for leasing the said North Grey Railway, or any part thereof, or the use thereof, at any time or times for any period not less than twenty-one years, to such other Company, or for leasing or hiring from such other Company any railway or part thereof, or the use thereof, or for the leasing or hiring any locomotives, tenders or moveable property, and generally to make any agreement or agreements with such other Company touching the use by one or the other, or by both Companies, of the railway or moveable property, or either or of both or any part thereof, or touching any service to be rendered by the one Company to the other, and the compensation therefor; and every such agreement shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof, and any company or individual accepting and executing such lease, shall be, and hereby is, empowered to exercise all the rights and privileges in this charter conferred; and in the event of the said Northern Railway of Canada leasing the line of the North Grey Railway Company, or any part thereof, then all the charter or other powers of the said Northern Railway Company of Canada so far as applicable and not inconsistent with this Act shall relate and extend to the working of the said line or portion thereof during the term of said lease. The company may enter into certain agreements with the Northern Railway Company.

31. In any lease of the line of the said North Grey Railway Company to the said Northern Railway Company, under the previous section, there shall be an agreement on the part of the said Northern Railway Company to carry cordwood over the said line, and from the said line to Toronto during the months of November, December, January and February in each year at the current lumber rates charged by the said Northern Railway Company. In leases to Northern Railway Co. there shall be an agreement to carry cordwood to Toronto.

32. Any shareholder in the said Company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have equal rights to hold stock in the said Company, and to vote on the same, and to be eligible to office in the said Company. Rights of alien or non-resident shareholders.

33. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, the Company may purchase, hold, use or enjoy such lands, and also the right of way thereto if the same be separated from their railway, and to sell and convey the same, or parts thereof, from time to time, as they may deem expedient, and may also make use of, for the purposes Company may use lands for gravel pits;

and waters of
streams.

purposes of the said railway, the water of any stream or water-course over or near which the said railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or watercourse.

Railway when
to be com-
menced and
completed.

34. The said railway shall be commenced within one year, and completed from the point of junction with the Northern Railway of Canada to the Village of Meaford, within two years and be completed to Owen Sound within four years after the passing of this Act, or else all rights and privileges conferred upon the said Company by this Act shall be forfeited.

SCHEDULE "A."

CHIEF ENGINEER'S CERTIFICATE.

The North Grey Railway Company's Office, }
Engineer's Department, A.D., 18 }

No. _____

*Certificates to be attached to cheques drawn on the North
Grey Railway Municipal Trust Account and given
under section of Cap. 34 Vic.*

I, _____, Chief Engineer for the North Grey Railway, do hereby certify that there has been expended in construction of mile No. _____ the said mileage being numbered consecutively from _____ the sum of _____ dollars to date, and that the total amount due for the same from the said Municipal Trust Account amounts to the sum of _____ dollars, which said sum of _____ dollars is now due and payable, as provided under said Act.

SCHEDULE "B."

Know all men by these presents, that I (or we) (*insert also the name of wife or any other person who may be a party*) in consideration of _____ dollars, paid to me (*or as the case may be*) by the North Grey Railway Company, the receipt whereof is hereby acknowledged, do grant and convey and I the said _____ do grant and release, or do bar my dower in (*as the case may be*) all that certain parcel (*or those certain parcels as the case may be*) of land situate (*describe the land*), the same having been selected and laid out by the said Company for the purposes of their Railway, to hold with the appurtenances unto the said _____

said the North Grey Railway Company, their successors and assigns.

As witness my (or our) hand and seal (or hands and seals)
this day of one thousand
eight hundred and

Signed, sealed and delivered in the }
presence of

[L. S.]

CAP. XXXVII.

An Act to amend the Acts incorporating the Wellington, Grey and Bruce Railway, and to extend the time for completing the same.

[Assented to 15th February, 1871.]

WHEREAS the Wellington Grey and Bruce Railway Company have, by their petition set forth that by their Act of Incorporation they are empowered to construct a line of railway from the town of Guelph to the village of Southampton or other point on Lake Huron, with a branch to the town of Owen Sound, in the county of Grey, and that a portion of their railway from Guelph to Alma has been completed, and a large portion thereof beyond that point is under contract and in course of construction, but that it will not be possible to complete the whole of the railway so authorized to be constructed within the term by their said charter limited; and they have therefore prayed for an extension of the said period and for certain amendments to the said charter, and it is expedient to grant the prayer of such petition; and whereas a lease and agreement have been entered into between the said company and the Great Western Railway Company for the leasing and working of the said line whereby the last-mentioned company are bound to equip, maintain, and work the said railway and the several sections thereof as the same are completed and ready for traffic, yielding and paying as a rental therefor to the said Wellington, Grey and Bruce Railway Company thirty per centum of the gross traffic derived therefrom, and also twenty per centum of the traffic interchanged between the two companies as a fund for the acquisition of the bonds of the company issued under the borrowing powers of the company referred to in said lease and agreement and in a supplementary agreement between the same parties; and the petitioners have represented that certain of the said bonds have been issued as contemplated by the said lease and agreements, and that it is desirable to limit the issue of such bonds under the borrowing powers aforesaid as hereinafter is provided, and to make certain other amendments to the said

said charter ; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Time for completing the railway extended.

1. So much of the seventh section of the Act incorporating the company as requires the said railway to be completed within seven years from the passing of the said Act is hereby repealed, and the time for such completion is extended for a further period of three years from the time limited in the said Act.

31 Vic. c. 13, s. 6, repealed.

2. The sixth section of the Act passed in the thirty-first year of Her Majesty's reign, intituled "An Act to amend the Act incorporating the Wellington, Grey and Bruce Railway Company," is hereby repealed, but such repeal shall not invalidate or affect any of the said bonds or debentures issued thereunder ; and it is hereby enacted that the bonds or debentures which the company may issue under the borrowing powers, and shall, with those already issued, be a first charge under the mortgage referred to in the said lease and agreements with the Great Western Railway Company, dated respectively the fifteenth day of June, one thousand eight hundred and sixty-nine, and the third day of June, one thousand eight hundred and seventy, shall not exceed in the whole, with those already issued, twelve thousand dollars for each mile of the railway by the said recited Acts or this Act authorized to be constructed and which shall be actually completed and worked by the Great Western Railway Company. And it shall and may be lawful for the said Company to issue such bonds to the extent aforesaid for each mile of the said railway actually contracted for and under construction at the time of such issue, provided that the amount of such issue shall not at any time be in excess of the amount actually expended in surveys, purchase of right of way and in works of construction upon such section or portion of the line of the said railway, or materials actually purchased and delivered to the company within the Provinces of Ontario or Quebec ; but no bonds shall be issued under the terms of this proviso until the Chief Engineer of the said Company shall have certified in writing under his hand the amount of work done or moneys expended upon such section and materials and iron rails delivered as aforesaid, and deposited such certificate with the trustees named in the said mortgage or their successors ; and no such bond shall issue for an amount in excess of that named in the said certificate.

Certain bonds, &c., to be a first charge.

Restriction and power as to issuing bonds, &c.

Company may issue bonds for each mile of railway under construction.

Engineer's certificate.

Sidings to be included in computing mileage.

3. In computing the mileage referred to in the last preceding clause, sidings shall be included in addition to the main line, not to exceed ten per centum of each mile of railway ; but this clause shall not be operative until the consent of the Great Western Railway Company has been signified by endorsement on the said mortgage ; and such mortgage shall stand as security for all the bonds hereby authorized, without further formality.

4. All bonds or debentures issued by the company shall be signed by the president or vice-president and countersigned by the secretary, and all such bonds or debentures now issued or hereafter to be issued, shall be assignable at law by delivery, and may be sued on or enforced by the several bearers or owners in their own names.

Bonds and debentures of the Railway, how to be issued and assigned.

5. As each section shall be completed it shall be the duty of the company to file with the trustees named in the mortgage a certificate under the hands of the president and secretary, and countersigned by the chief engineer of the company, shewing the number of miles of road completed and accepted by the Great Western Railway Company, and the amount of such bonds issued as aforesaid; and a duplicate of such certificate shall be preserved in the office of the Company for the inspection of any person desirous of seeing the same.

On the completion of each section a certificate to be filed with the trustees.

6. And whereas the increase in wealth and population in the said county of Bruce renders it desirable to continue the said line not only to Southampton but to some other point on Lake Huron, and it is expedient to extend the powers granted by the said Act, be it enacted that it shall be lawful for the said company to extend its line from some point on the main line to Kincardine, in the said county of Bruce.

Power to extend the railway to Kincardine.

7. The twenty-fifth section of the Act incorporating the company is hereby repealed, and the gauge of the railway may be such, not less than four feet eight and one-half inches, as the Directors in their discretion may determine upon.

Gauge of railway.

8. In case the majority of the persons rated on the last assessment roll as freeholders, who may be qualified voters under the Municipal Act in any portion of the Municipality, do petition the Council of such Municipality to pass a by-law as hereinafter set out, such petition to define the metes and bounds of the section of the Municipality within which the property of the petitioners is situated, or in the case of a County Municipality the majority of the Reeves and Deputy Reeves for those Townships that may be asked to grant a bonus, do petition the Council of such County Municipality to pass a by-law as hereinafter set out, and in such petition do define the townships for which they are respectively the reeves and deputy reeves, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said Company for this purpose, and stating the amount which they so desire to grant, and to be assessed therefor, the Council of such municipality shall pass a by-law, provided the said by-law shall be approved of by the majority of the qualified voters in the portion of the municipality petitioning as aforesaid, in the manner required by the Municipal Act;

If a portion of the municipality desire to aid, Council to pass a by-law.

(1.) For raising the amount so petitioned for by such freeholders for issuing debentures

holders or such reeves or deputy reeves in such portion of the municipality, by the issue of debentures of the municipality, payable in twenty years, and for the delivery to the company of the debentures for the amount of said bonus, at the times and on the terms specified in the by-law or in an agreement between the council and the directors of the Company;

for assessing
and levying a
rate.

(2.) For assessing and levying upon all the ratable property lying within the section defined by said petition, an equal annual special rate sufficient to include a sinking fund, for the repayment of the debentures with interest thereon, such interest to be payable yearly or half-yearly, which debentures the Municipal Councils and the wardens, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively; and the provisions of the Municipal Acts and of this Act shall apply to any bonus so granted, or by-law so passed, by or for a portion of a municipality.

Counties may
take debentures
issued by
townships and
give the Trustees
the debentures
of the
County.

9. That any county in which are situated a township or townships, that have granted, or hereafter may grant, a bonus or bonuses in aid of the said Railway Company, shall be at liberty to take the debentures issued by such township or townships, and in exchange therefor to hand over to the custodian named in such by-law or agreement, the debentures of the county, on a resolution being passed to that effect by a majority of the County Council.

Company may
mortgage, etc.
their bonds.

10. The said Railway Company may, for advance of money to be made thereon, mortgage and deposit and transfer by way of mortgage or as security, and may pledge all or any bonds that may be lawfully issued by the said company.

Council of
Bruce may extend
the time for
completing
railway between
Paisley and
Southampton.

11. It shall and may be lawful for the County Council of Bruce, in their discretion and without an appeal to the rate-payers, on the request of the Company, to extend the time, not exceeding one year, for the completion of the portion of the line of the said railway lying between Paisley and Southampton, any condition in the by-law granting the bonus to the railway to the contrary notwithstanding.

Certain provisions
of the Great
Western Railway
Acts to apply
to the portion
of the line
taken by the
G. W. R.
Company.

12. The several provisions of the acts relating to the Great Western Railway Company, in respect to the working of the Railway, shall apply to the portion of the line at present taken over by the Great Western Railway Company and to each section thereof, as the same shall be from time to time accepted by them; and the Great Western Railway Company as to such portions and the connections between them and its railway, shall and may exercise all the powers and authorities conferred upon them in reference to the main line or any of their branches by the several acts relating thereto, but nothing in this section contained shall vary or affect the terms of the said recited lease or agreements.

CAP. XXXVIII.

An Act to Incorporate the Credit Valley Railway Company.

[Assented to 15th February, 1871]

WHEREAS the construction of a railway from a point in Preamble.
 or near the village of Orangeville, along or near the
 valley of the river Credit, to a point in or near the village of
 Streetsville, and from thence to a point in or near the city of
 Toronto, crossing the Humber at or near the village of Lamb-
 ton, and whereof the main line or a branch shall pass through
 or near the town of Brampton, and a branch from the village of
 Streetsville or a point in the vicinity thereof to the Town of
 Milton or a point in its vicinity, has become desirable for the
 development of the resources of certain portions of the counties
 of Peel and Halton, and for the public convenience and accom-
 modation of the inhabitants thereof; Therefore Her Majesty,
 by and with the advice and consent of the Legislative Assembly
 of the Province of Ontario, enacts as follows:—

1. George Laidlaw, C. J. Campbell, Frank Shanly, John Incorporation.
 Burns, H. P. Dwight, J. S. McMurray, Robert Hay, H. L.
 Hime, and W. H. Beatty, together with such persons and incor-
 porations as shall, in pursuance of this Act, become share-
 holders of the said company hereby incorporated, are hereby
 constituted and declared to be a body, corporate and politic, by
 the name of "The Credit Valley Railway Company." Name of com-
 pany.

2. The several clauses of the Railway Act of the Consoli- Certain
 clauses of the
 Railway Act
 to apply.
 dated Statutes of Canada, and amendments, with respect to the
 first, second, third, fourth, fifth, and sixth clauses thereof, and
 also the several clauses thereof, with respect to "interpreta-
 tion," "incorporation," "powers," "plans and surveys,"
 "lands and their valuation," "highways and bridges," "fences,"
 "tolls," "general meetings," "president and directors, their
 election and duties," "calls," "shares and their transfer,"
 "municipalities," "shareholders," "actions for indemnity, and
 fines and penalties, and their prosecution," "by-laws, notices,
 &c.," "working of the railway," and "general provisions,"
 shall be incorporated with and be deemed to be a part of this
 Act, and shall apply to the said company and to the railway to
 be constructed by them, except only so far as they may be in-
 consistent with the express enactments hereof, and the expres- Interpretation
 of the words
 "this Act."
 sion "this Act," when used herein, shall be understood to in-
 clude the clauses of the said Railway Act so incorporated with
 this Act.

3. The said company shall have full power under this Act to Location of
 Railway.
 construct a railway from any point in or near the city of To-
 ronto, crossing the Humber at or near the village of Lambton,
 to

to a point in or near the village of Streetsville, and thence along or near the valley of the Credit to a point in or near the village of Orangeville, with power to build the main line or a branch *via* Brampton, and a branch from the village of Streetsville or a point in the vicinity thereof, to the town of Milton or a point in its vicinity, and with power to build a branch from Milton or its vicinity, to the towns of Galt, Berlin, or Waterloo, or their vicinity, with full power to pass over any portion of the country between the points aforesaid, and to carry the said railway through the Crown lands lying between the points aforesaid.

Gauge of Railway.

4. The gauge of the said railway shall not be less than three feet six inches.

Form of conveyances to Company,

5. Conveyances of lands to the said company for the purposes of and powers given by this Act made in the form set out in the Schedule "A" hereunder written, or the like effect, shall be sufficient conveyances to the said company, their successors and assigns, of the estate or interest, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

How to be registered.

Registration fees.

Provisional directors.

6. From and after the passing of this Act, the said George Laidlaw, C. J. Campbell, Frank Shanly, John Burns, H. P. Dwight, J. S. McMurray, Robert Hay, H. L. Hime, and W. H. Beatty shall be the provisional directors of the said company.

Powers of provisional directors.

7. The said provisional directors, until others shall be named as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring thereon, to associate with themselves thereon not more than three other persons, who, upon being so named, shall become and be provisional directors of the company equally with themselves, to open stock books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided, and with all such other powers as under the Railway Act, and any other law in force in Ontario are vested in such boards.

Capital stock of Company.

8. The capital of the company hereby incorporated shall be one hundred and forty thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided into fourteen hundred shares of one hundred dollars each, and shall be raised by the persons and corporations who

Application of money to become shareholders in such company; and the money so raised

raised shall be applied, in the first place, to the payment and discharge of all fees, expenses, and disbursements for procuring the passage of this Act, and for making the surveys, plans, and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment, and completion of the said railway and the other purposes of this Act; and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any city, county, town, township or village on the line of such works may pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

the money
raised on the
stock.

9. On the subscription for shares of the said capital stock, each subscriber shall pay to the directors, for the purposes set out in this Act, ten per centum of the amount subscribed by him, and the said directors shall deposit the same in some chartered bank to the credit of the said company.

Ten per cent.
to be paid on
subscriptions
for shares.

10. Thereafter calls may be made by the directors, for the time being, as they shall see fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber.

Future calls.

11. As soon as shares to the amount of fifty thousand dollars of the capital stock of the said company shall have been subscribed, and ten per centum thereof paid into some chartered bank, having an office in the city of Toronto, (which shall on no account be withdrawn therefrom, unless for the service of the company), the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum thereof, for the purpose of electing directors of the said company.

general meet-
ing for election
of directors.

12. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum and who are subscribers among them for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon.

How meeting
may be called
if provisional
directors
neglect to call
the same.

13. In either case notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in one daily newspaper in the city of Toronto, once in each week, for the space of at least four weeks, and such meeting shall be held in the city of Toronto, at such place therein and on such day as may be named by such notice. At such general meeting the subscribers for the capital stock

Notice of gene-
ral meeting.

stock

Election of directors.

Power to pass by-laws, &c.

stock assembled, who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose nine persons to be the directors of the said company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Annual meeting, when and where to be held.

14. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place, in the city of Toronto, and on such days and on such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one daily newspaper published in the city of Toronto.

Special general meetings, when and where to be held.

15. Special general meetings of the shareholders of the said company may be held at such places, in the city of Toronto, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said company.

Scale of votes.

Only shareholders who have paid up to vote.

16. Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting.

Qualification of directors.

17. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.

Quorum of directors.

18. Any meeting of the directors of the said company regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors.

Municipalities may aid the railway.

19. And it shall further be lawful for any Municipality or Municipalities, or any County Municipality or any portion of any such Municipality or Municipalities or County Municipality, which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situated, to aid and assist the said company by loaning or guaranteeing, or giving money by way of bonus or other means, to the company, or issuing municipal bonds to or in aid of the company, and otherwise, in such manner and to such extent as such municipalities, or any of them, shall think expedient; Provided always, that no such aid, loan, bonus or guarantee shall be given, except after the passing of by-laws for the purpose

purpose, and the adoption of such by-laws, by the ratepayers, as provided in the Municipal Act for the creation of debts.

20. In case the majority of the persons rated on the last assessment roll as freeholders who may be qualified voters under the Municipal Act, in any portion of a municipality, do petition the council of such municipality to pass a by-law as hereinafter set out, such petition to define the metes and bounds of the section of the municipality within which the property of the petitioners is situated, or in the case of a county municipality, the majority of the reeves and deputy reeves for those townships that may be asked to grant a bonus, do petition the council of such county municipality to pass a by-law, as hereinafter set out, and in such petition do define the townships for which they are respectively the reeves and deputy reeves, and expressing the desire of the said petitioners to aid in the construction of the said railway, by granting a bonus to the said company for this purpose, and stating the amount which they desire to grant and to be assessed therefor, the council of such municipality shall pass a by-law, and submit the said by-law to the vote of qualified rate-payers ;

If a portion of a municipality desire to aid, council to pass a by-law,

(1.) For raising the amount so petitioned for by such freeholders, or such reeves and deputy reeves, in such portion of the municipality, by the issue of debentures of the municipality, payable in twenty years, or by equal annual instalments of principal with interest, and for the delivery to the said trustees of the debentures for the amount of said bonus at the times and on the terms specified in said petition ;

for issuing debentures,

(2.) For assessing and levying upon all the ratable property lying within the section defined by said petition an equal annual special rate, sufficient to include a sinking fund, for the repayment of the debentures with interest thereon, said interest to be payable yearly or half-yearly ; which debentures the municipal councils, and the Wardens, Reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

for assessing and levying an annual special rate.

21. And in case such by-law be approved or carried by the majority of the votes given thereon, then within one month after the date of such voting, the said council shall read the said by-law a third time, and pass the same.

If by-law carried by rate-payers the council to pass the by-law,

22. And within one month after the passing of such by-law, the said council and the Warden, Mayor, Reeve, or other head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act.

and issue debentures.

23. In case any bonus be so granted by a portion of a Municipality or County Municipality, the rate to be levied for payment

How rate to be levied.

ment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of the Municipality or County Municipality.

Provisions of the Municipal Acts to apply to the by-laws.

24. The provisions of the Municipal Acts, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a Municipality or County Municipality to the same extent as if the same had been passed by or for the whole Municipality or County Municipality.

By-laws to be valid though the annual rate exceeds two cents in the dollar.

25. All by-laws to be submitted to such vote for granting bonuses to the said company, not requiring the levying of a greater annual rate than three cents in the dollar of the ratable property affected thereby, shall be valid, although the amount of the annual rate to be levied in pursuance thereof, shall exceed two cents in the dollar.

Municipalities through which the railway passes may exempt the railway from taxation.

26. It shall further be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate, by by-law especially passed for that purpose, to exempt the said company and its property, within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years.

Appointment of directors by municipalities.

27. Any Municipality which shall grant a bonus of not less than sixty-five thousand dollars in aid of the said company, the council of such municipality shall be entitled to name a director in the said company as the representative of such municipality; and such directors shall be, in addition to all shareholders, directors in the said Company, and shall not require to be a shareholder in the said company, and shall continue in office as director in the said company until his successor shall be appointed by the municipality which he represents.

Appointment of Trustees.

28. Whenever any Municipality shall grant a bonus to aid the said Company in the making, equipping and completion of the said Railway, the debentures therefor shall, within six weeks after the passing of the by-law authorizing the same, be delivered to three trustees, namely, the Honourable John McMurrich, Peleg Howland, and one to be named by the Lieutenant-Governor in Council; Provided that if the Lieutenant-Governor in Council shall refuse or neglect to name such trustee within one month after notice in writing to him requiring him to appoint such trustee, the said Company shall be at liberty to name one in the place of the one to have been named by said Lieutenant-Governor in Council.

Proviso.

29. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council with the consent of the said Company, and in case any trustee die, or resign his trust, or go to live out of Ontario or otherwise become incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council with the consent of said Company.

Vacancies in the office of trustees.

30. The act of any two such trustees shall be as valid and binding as if the three had agreed.

Act of two trustees to be binding.

31. The said Trustees shall receive the said debentures in trust; firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some of the chartered Banks having an office in the City of Toronto in the name of "The Credit Valley Railway Municipal Trust Account," and to pay the same out to the said Company from time to time on the certificate of the Chief Engineer of the said Railway in the form set out in Schedule "B" hereto, or to the like effect, setting out the portion of the Railway to which the money to be paid out is to be applied, and the total amount expended on such portion to the date of the certificate, and that the sum so certified does not exceed the *pro rata* amount per mile for the length of the road or portion of the road, to be applied on the work so done, and such certificates shall be attached to the cheques to be drawn by the said trustees; and the wrongfully granting any such certificate by such Engineer, shall be punishable by fine of not less than one thousand dollars, recoverable in any court of competent jurisdiction in the Province of Ontario, and imprisonment in the discretion of the Court.

Trusts upon which the debentures are held.

32. That in the event of one or more of the municipalities lying to the north of Streetsville, declining to grant the required bonus or bonuses, it shall and may be lawful for the trustees to apply all the bonuses from Toronto to Milton, including Toronto and Milton, upon the line from Toronto to Milton; and all the bonuses granted by municipalities west of the county of Halton to Galt inclusive, shall be expended between the town of Milton and the town of Galt.

Application of the bonuses if the municipalities north of Streetsville decline to aid.

33. That in the event of one or more municipalities to the west of Streetsville, declining to grant the required bonus or bonuses, it shall and may be lawful for the trustees to apply all the bonuses granted by any municipality or municipalities from Toronto to Orangeville, including Orangeville and Toronto, upon the line from Toronto to Orangeville; the intention of this Act being that in case of the failure of the grants of bonuses on one line, the other line may be constructed if the bonuses are granted.

The like in the case of municipalities west of Streetsville.

34. In case bonuses are granted as required, on both lines, then

Application

of bonuses if granted on both lines. then it shall and may be lawful for the trustees to apply the bonuses *pro rata* over both lines.

Counties granting bonuses may take the debentures of townships.

35. Any county in which is or are situated a township or townships, or portion of a township, that shall grant a bonus or bonuses, in aid of the said company, shall be at liberty to take the debentures issued by such township or townships, or portion of a township, and in exchange therefor to hand over to the trustees under this Act, the debentures of the county on a resolution being passed to that effect by a majority of the county council.

Issue of bonds.

36. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president or vice president of the said company and countersigned by the secretary and treasurer and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the company, real and personal, then existing and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the company as aforesaid; Provided however, that the whole amount of such issue of bonds shall not exceed in all the sum of five hundred thousand dollars, nor shall the amount of such bonds issued at any one time be in excess of the amount of municipal and other bonuses and paid up share capital actually expended in surveys, purchase of right of way and works of construction and equipment upon the line of the said railway, or material actually purchased, paid for and delivered to the company within the Provinces of Ontario or Quebec; And provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, and privileges, and qualifications for directors and for voting as are attached to shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the Secretary of the company to register the same on being required to do so by any holder thereof.

Proviso, aggregate of bonds not to exceed \$500,000.

Rights of holders of bonds at annual meeting when interest is unpaid.

Securities to be payable to bearer.

37. All such bonds, debentures, mortgages, and other securities, and coupons, and interest warrants thereon respectively may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer may sue at law thereon in his own name.

38. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the President or Vice-President of the company and countersigned by the Secretary and Treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, or shall the President or Vice-president, or the Secretary and Treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; *Provided* however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer or intended to be circulated as money, or as the notes or bills of a bank.

Company may
make promissory
notes, etc.

Proviso.

39. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, or enjoy such lands and also the right of way thereto, if the same be separated from their railway, and to sell and convey the same or part thereof from time to time as they may deem expedient.

Powers as to
lands.

40. The railway shall be commenced within two years and completed within five years after the passing of this Act, or else the charter shall be forfeited.

Commencement and completion of
Railway.

41. The said Railway Company shall at all times receive and carry cordwood or any wood or fuel at a rate not to exceed, for dry wood, two and a half cents per mile per cord from all stations exceeding fifty miles, and at a rate not exceeding three cents per cord per mile from all stations under fifty miles in full car loads; and for green wood at the rate of two and a half cents per ton per mile. The company shall further, at all times, furnish every facility necessary for the free and unrestrained traffic in cordwood to as large an extent as in the case of other freight carried over the said railway.

Regulations as
to the carriage
of cordwood.

SCHEDULE "A."

KNOW ALL MEN BY THESE PRESENTS, that I (or we) [*insert the name or names of the vendor or vendors*] in consideration of

of

of dollars paid to me (or us) by the Credit Valley Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) (*insert the name of any other party or parties*) in consideration of dollars paid to me (or us) by the said Company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or those certain parcels as the case may be*) of land situate (*describe the land*) the same having been selected and laid out by the said Company for the purposes of this Railway, to hold with the appurtenances unto the said the Credit Valley Railway Company their successors and assigns [*here insert any other clauses, covenants or conditions required*] And I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As Witness my (or our) hand and seal (or hands and seals) this day of one thousand eight hundred and

Signed sealed and delivered } [L. S.]
in the presence of }

SCHEDULE "B."

CHIEF ENGINEER'S CERTIFICATE.

The Credit Valley Railway
Company's Office,
Engineer's Department,
A.D. 18 .

No. .

Certificate to be attached to cheques drawn on the Credit Valley Railway Municipal Trust Account, and given under section of cap. 34 Vic.

I, Chief Engineer for the Credit Valley Railway, do hereby certify that there has been expended in the construction of Mile No. (the said mileage being numbered, consecutively from the boundary of the City of Toronto) the sum of dollars to date, and that the total *pro rata* amount due for the same from the said Municipal Trust Account amounts to the sum of dollars, which said sum of dollars is now due and payable as provided under said Act.

CAP. XXXIX.

An Act to Incorporate the Oakville, Milton and Guelph Railway Company.

[Assented to 15th February, 1871]

WHEREAS it is expedient to grant a charter for the Preamble.
 construction of a Railway from the town of Oakville to the town of Milton, and thence to the village of Campbells-ville or some point in the vicinity thereof, and thence to the town of Guelph: Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. That George C. McKindsey, William D. Lyon, George Smith, John White, Clarkson Freeman, James B. Willmott, John Dewar, Junior, and Finlay McCallum, of the town of Milton; John Barclay, Robt. K. Chisholm, Peter A. McDougall, William McCraney, William Wass, Worthington E. Hagaman and Richard Shaw Wood of the town of Oakville; Henry Cargill, Thomas Elliott, John Ramsay, Benjamin H. Kean, Archibald Campbell of the township of Nassagawaga; William Barber, of the village of Streetsville, in the County of Peel; John McMillan, of Hornby; William J. Simcoe Kerr, Henry P. Zimmerman, of the township of Nelson; John McNaughton, of the township of Esquesing; Peter Gów, James Goldie, David Allen, John McCrae, John Horseman, James Massie, Adam Robertson, of the town of Guelph; John Buck, Mathew Clements and William C. Beaty, of the township of Trafalgar; together with such persons and corporations as shall in pursuance of the Act become shareholders of the said Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by and under the name and style of "The Oakville, Milton and Guelph Railway Company." corporation]

Corporate
name of Com-
pany.

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada, and amendments with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and also the several clauses thereof with respect to "interpretation" "incorporation" "powers" "plans and surveys" "lands and their valuation" "highways and bridges" "fences" "tolls" "general meetings" "president and directors, their election and duties" "calls" "shares and their transfer" "municipalities" "shareholders" "actions for indemnity and fines and penalties and their prosecution" "by-laws, notices, &c." "working of the railway" and "general provisions" shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said Company and to the Railway to be constructed by them, except only so far as they may be inconsis-
 tent

Certain clause
of the Con-
Railway Act
to apply.

Interpretation of the words "this Act." tent with the express enactments hereof and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

Construction of Railway. **3.** The said Company shall have full power under this Act to construct a Railway from any point in the town of Oakville, to the town of Milton, and thence to the village of Campbells-ville, or some point in the vicinity thereof, and thence to the town of Guelph, with full power to pass over any portion of the country between the points aforesaid, as may be determined upon, and the said Company shall further have power to purchase, lease, acquire, hold and control the Oakville Harbour in connection with the said Railway under such arrangements and agreements as may be made by the said Company in relation thereto.

Gauge of Railway. **4.** The gauge of the said Railway shall not be less than three feet six inches, and the said Company may lay down rails of wood or iron.

Forms of conveyances to Company, how to be registered. Registrar's fees. **5.** Conveyances of lands to the said Company for the purposes of this Act may be made in the form set out in Schedule "A," hereunder written, or to the like effect: and such conveyances shall be received by the several registrars, and be registered by duplicates thereof in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no Registrar shall be entitled to demand more than fifty cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Provisional Directors. **6.** From and after the passing of this Act the said George C. McKindsey, William D. Lyon, George Smith, John White, Clarkson Freeman, John Dewar, James B. Willmott and Finlay McCallum, of the town of Milton; John Barclay, Robert K. Chisholm, Peter A. McDougall, William McCraney, William Wass, Worthington E. Hagaman and Richard Shaw Wood, of the town of Oakville; Henry Cargill, Thomas Elliott, John Ramsay, Benjamin H. Kean and Archibald Campbell, of the township of Nassagawaga; William Barber, of the village of Streetsville, in the County of Peel; John McMillan, of Hornby; William J. Simcoe Kerr, Henry P. Zimmerman, of the township of Nelson; John McNaughton, of the township of Esquesing; Peter Gow, James Goldie, David Allen, John McCrea, John Horseman, James Massie and Adam Robertson, of the town of Guelph; John Buck, Mathew Clements and William C. Beaty, of the township of Trafalgar, shall be provisional directors of the said Company.

Powers of Provisional Directors. **7.** The persons named as provisional directors in the next preceding clause shall hold office as such until the first election of

of directors under this Act; and shall have power and authority, immediately after the passing of this Act, to open stock-books and procure subscriptions of stock for the undertaking, giving at least four weeks previous notice by advertisement in the newspapers hereinafter mentioned, and in the *Ontario Gazette*, of the time and place of their meeting to receive subscriptions of stock; and the said provisional directors may cause surveys and plans to be made and executed, and to acquire any plans and surveys now existing; and it shall be their duty, as hereinafter provided, to call a general meeting of shareholders for the election of directors.

8. The capital stock of the Company hereby incorporated shall be two hundred thousand dollars, (with power to increase the same in the manner provided in the Railway Act) to be divided into shares of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in such Company; and the money so raised shall be applied, in the first place, to the payment of all expenses for making the surveys, plans and estimates connected with the works hereby authorized, and all the remainder of such money shall be applied to the making, equipment, and completion of the said Railway, and the other purposes of this Act, and to no other purpose whatever; and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any county, town, or township on the line of such works may pay out of the general funds of such municipality its fair proportions of such preliminary expenses which shall hereafter be refunded to such municipality from the capital stock of the Company, or be allowed to it in payment of stock.

Capital of the Company.

Application of the money raised on the stock.

Municipalities may advance for preliminary expenses.

9. And it shall further be lawful for any municipality or municipalities through any part of which or near which the railway or works of the said company shall pass, or be situated, or which may be benefitted thereby, to aid and assist the said company by loaning or guaranteeing, or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company, and otherwise in such manner and to such extent as such municipalities or any of them shall think expedient, and for that purpose to issue debentures bearing interest at any rate not to exceed seven per centum per annum, payable in such sums, and from time to time within twenty years, or earlier, as may be thought expedient: Provided always, that such aid, loan, bonus or guarantee shall be given under a by-law for the purpose, to be passed in conformity with the provisions of the Act respecting municipal institutions for the creation of debts: And it shall further be lawful for a majority of the persons rated in the last assessment roll as freeholders in any portion of a municipality to petition the council of such municipality defining the metes and bounds of the section of the municipality, within which the property of the petitioners is situated, expressing the desire of the petitioners

Municipalities may aid by granting bonuses, etc.

Proviso, such aid to be granted by by-law.

If a portion of the municipality desire to aid, council to pass a by-law,

to

to aid in the construction of the said railway by granting a bonus or donation to the said company for the purpose, and stating the amount which they desire to give and grant and to be assessed for ; and the council of such municipality shall thereupon pass a by-law ; For raising the amount so petitioned for by the freeholders in such portion of the municipality by the issue of debentures of the municipality payable in such sums and from time to time within twenty years, or earlier, and for the payments to the said company of the amounts of the said bonus or donation at the time, and on the terms specified in the said petition ; For assessing and levying upon all the ratable property lying within the section defined by the said petition, an annual special rate, sufficient to include a sinking fund, for the repayment of debentures, with the interest thereon ; which municipal councils are hereby authorized to execute and issue in such cases respectively ; Provided the said by-laws shall be approved of as in sections two hundred and twenty-six, two hundred and twenty-seven, and two hundred and twenty-eight of the Municipal Act of one thousand eight hundred and sixty-six, chaptered fifty-one, by the majority of qualified electors in the portion of a municipality petitioning as aforesaid.

for issuing debentures

for assessing and levying an annual special rate.

Proviso: By-law to be approved by electors.

Municipalities may aid company by bonuses, the proceeds of a special uniform rate per year, in lieu of one sum or by issuing debentures, etc.

Company may build railway by sections.

Bonuses, how to be expended.

Debentures to be held by trustees.

10. Any municipality or any part thereof as aforesaid may also assist the said company by granting by way of bonus the proceeds realized by a special uniform rate per year on the ratable property of such municipality or part thereof for an agreed number of years in lieu of one sum ; or by issuing debentures, for the creation of a debt ; and may pass by-laws for granting aid by a special rate in the same manner as is hereinbefore provided with respect to the by-laws in aid of the said company ; which by-laws must be subject to the confirmation of the ratepayers, according to the provisions of the Act respecting municipal institutions. The said company shall have power to build the said railway by sections ; the first section to commence at the Town of Oakville, and terminate at the village of Campbellsville or some point in the vicinity thereof as may be determined by a resolution of the directors of the said company ; the second section to commence at such point as may be so selected as the terminus of the first section, and to terminate at the Town of Guelph. The bonuses to be granted by any municipality or portion of municipality towards the construction of the said railway shall be expended in such section of the said road as the council of the municipality or portion of municipality granting such bonus shall determine, such determination to be communicated to the trustees in writing, under the seal of the municipality.

11. Whenever any municipality or portion of a municipality shall grant a bonus to aid the said company in the making, equipping and completion of the said railway, the debentures thereof shall within six weeks after the passing of the by-law authorizing

authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the warden of the County of Halton, all which trustees shall be residents of the County of Halton ; Provided that if the Lieutenant Governor in Council shall refuse or neglect to name such trustee within one month after the notice in writing to him of the appointment of the other two trustees, the said company shall be at liberty to name one in the place of the one to have been named by the said Lieutenant Governor in Council ; Provided also, that if the said warden fail or neglect to name such trustee, within fourteen days after service of a notice upon him by the said company requesting him to do so, the said company shall be at liberty to name one in the place of the trustee to have been named by the said warden.

How trustees are to be appointed.

Proviso.

Proviso.

12. Any trustee appointed may be removed, and a new trustee appointed in his place, at any time by the consent of the Lieutenant Governor in Council, the said warden and the said company.

Appointment of new trustees.

13. The said trustees shall receive the said debentures in trust ; firstly to convert the same into money ; secondly to deposit the amount realized from the sale of the said debentures in some one of the chartered banks of Ontario under the style of the "Oakville, Milton and Guelph Railway Municipal Trust Account," and to pay the same out to the said company from time to time on the certificate of the chief engineer of the said railway in the form set out in Schedule "B" hereto or to the like effect ; to be expended by them *pro rata* on each mile of railway or section of railway, as may be determined upon by the municipality, and communicated to the trustees as aforesaid, built between the point of commencement at Oakville and the town of Guelph ; and the said certificate of the chief engineer shall set out the portion of the railway to which the money to be paid out is to be applied, the total amount expended on such portion to the date of such certificate, and that the sum so certified does not exceed the *pro rata* amount to be applied on the work done ; and the said certificate shall be attached to the cheques of the said trustees respectively as they shall be drawn, and the wrongfully granting of any such certificate by such engineer shall be punishable by a fine not exceeding two thousand dollars, or, in the failure of the payment thereof, to be imprisoned for a period not exceeding one year ; and the act of any two such trustees shall be as valid and binding as if the three had agreed.

Trusts on which the debentures are to be held.

Act of two trustees to be binding.

14. As soon as shares to the amount of fifty thousand dollars of the capital stock of the said company shall have been subscribed, and twenty per centum thereof paid into some chartered bank, the directors shall call a general meeting of the subscribers for the said capital stock who shall have

General meeting for the election of directors, when to be called.

have so paid up twenty per centum thereof, for the purpose of electing directors of the said company.

How the meeting may be called, if the provisional directors neglect to call the same.

15. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed, and twenty per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up twenty per centum and who are subscribers among them for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon.

Notice of general meeting.

16. In either case notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette* and in one newspaper published in the county of Halton, once in each week for the space of at least one month, and such meeting shall be held at such place and on such day as may be named by such notice.

Election of directors.

17. At such general meeting the subscribers for the capital stock assembled, who shall have so paid up twenty per centum thereof, with such proxies as may be present, shall choose nine persons to be directors of the said company, and may also make or pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Qualification of directors.

18. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.

Annual meetings when and where to be held ;

notice thereof.

19. Thereafter the general annual meeting of the shareholders of the said company shall be held at such place and on such days and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least thirty days previously in the *Ontario Gazette*, and in one or more newspapers published in the county of Halton.

Special general meetings, when and where to be held.

20. Special general meetings of the shareholders of the said company may be held at such places, at such times, and in such manner and for such purposes, as may be provided by the by-laws of the said company, and after due notice thereof shall be given as aforesaid.

Issue of bonds by the Company.

21. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting, to be called from time to time for such purpose, but limited to the terms of this Act, shall have power to issue bonds made and signed by the President or Vice-President of the said company, and countersigned by the Secretary and Treasurer and under the seal of the said company, for the purpose of raising money for prosecuting the

the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be first and preferential claims and charges upon the undertaking, and the property of the company real and personal and then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the company as aforesaid; Provided however, that the whole amount of such issues of bonds shall not exceed in all the sum of one hundred thousand dollars, nor shall the amount of such bonds issued at any one time be in excess of the amount of the actual paid up cash instalments on its share capital, together with the paid up municipal and other bonuses, and which have been actually expended in surveys and in works of construction upon the line; Provided also, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders; Provided further, that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares.

How the bonds are to be issued.

Rights of bondholders at annual meetings.

Provido.

22. All such bonds, debentures, mortgages and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer, may sue at law thereon in his own name.

Securities may be payable to bearer.

23. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed, or any such bill of exchange drawn, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or the secretary and treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the board of directors as herein provided and enacted; Provided however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Company may make promissory notes, &c.

if not intended to be circulated as money.

Scale of votes. **24.** Every shareholder of one or more shares of the said capital stock, and bondholders as provided in section twenty-two of this Act, in the same ratio as shareholders, shall at any general meeting of the shareholders be entitled to one vote for every share held by him.

How stock held by Corporations to be represented. **25.** At all meetings of the company the stock held by municipal and other corporations may be represented by such persons as they shall have respectively appointed in that behalf by by-law, and such persons shall at such meetings be entitled equally with other shareholders to vote by proxy; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock held by such shareholder shall have been paid at least one week before the day appointed for such meeting.

Only shareholders who have paid up to vote.

Quorum of directors. **26.** Any meeting of the directors of the said company, regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors.

Subscriptions for shares, how paid and deposited. **27.** On the subscriptions for shares of the said capital stock, each subscriber shall pay forthwith to the directors, for the purposes set out in this Act, twenty per centum of the amount subscribed by him; and the said directors shall deposit the same in some chartered bank to the credit of the said company, and not to be taken therefrom except for the purpose of the company.

Calls. **28.** Thereafter, calls may be made by the directors for the time being as they shall see fit; Provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber, and at not less intervals than one month.

Company may use land for gravel pits, &c. **29.** Whenever it shall be necessary, for the purpose of procuring sufficient lands for stations or gravel pits or other purposes, for constructing, maintaining, and using the said railway, it shall be necessary to purchase more land than is required for such stations or gravel pits or other purposes, the said company may purchase, hold, use, or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, in such manner and for such purposes connected with the constructing, maintenance, or use of the said railway as they may deem expedient, and to sell and convey the same, or parts thereof, from time to time as they may deem expedient.

and waters of streams.

May enter into agreement with other companies for use of road, etc. **30.** It shall be lawful for the said company to enter into any agreement with any other railway company in the Dominion of Canada, for leasing the said railway, or any part thereof, or the use thereof, at any time or times, or for any period, to such other company, or for leasing or hiring from such other company

pany any railway or part thereof, or the use thereof; or for the leasing or hiring any locomotives, tenders or moveable property; and generally to make any agreement or agreements with any such other company, touching the use by one or the other, or by both companies, of the railway or moveable property of either, or of both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, or such other railway company as well as any other corporation; may agree upon any terms as they may mutually consent to, for the loan of its credit to, or may subscribe to and become the owner of the stock of the railway company hereby created, in like manner and with like rights as individuals; but in so far only as the powers hereby conferred may be construed to have reference to any act, deed, matter, or thing to be done, executed, fulfilled or performed within the limits of the Province of Ontario to the other and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by Courts of Law, according to the terms and tenor thereof; and any company or individual accepting and executing such lease shall be and is empowered to exercise all the rights and privileges in the Charter conferred.

31. This Act and all the provisions thereof, shall become null and void unless the construction of the said railway be commenced within two years, and completed within five years, after the passing of the same. Time for commencing and completing railway.

SCHEDULE "A."

KNOW ALL MEN BY THESE PRESENTS that I (or we) (*insert also the name of wife or any other person who may be a party*) in consideration of _____ dollars to me (*or as the case may be*) by "the Oakville, Milton, and Guelph Railway Company" paid, the receipt whereof is hereby acknowledged, do grant and convey, and (*I the said* _____ *do grant and release, or do bar my dower in as the case may be,*) all that certain parcel (*or those certain parcels as the case may be,*) of lands situate, (*describe the land,*) the same having been selected and laid out by the said Company for the purposes of their Railway, to hold with the appurtenances unto the said the "Oakville, Milton, and Guelph Railway Company," their successors and assigns.

As witness my (*or our*) hand and seal (*or hands and seals*) this _____ day of _____ one thousand eight hundred and _____

Signed, sealed, and delivered in presence of {

[L.S.]
SCHEDULE

SCHEDULE "B."

CHIEF ENGINEER'S CERTIFICATE.

THE OAKVILLE, MILTON, AND GUELPH RAILWAY COMPANY'S
OFFICE, ENGINEER'S DEPARTMENT, A.D. 18 .

No.

*Certificates to be attached to cheques drawn on the
Oakville, Milton, and Guelph Railway Municipal Trust Ac-
count, and given under section of cap. Vic.*

I, _____, Chief Engineer for "the Oakville, Milton, and Guelph Railway Company," do hereby certify that there has been expended in the construction of mile No. _____ (the said mileage being numbered consecutively from the point of commencement of the town of Oakville) the sum of _____ dollars to date, and that the total *pro rata* amount due for the same, from the Municipal Trust Account, amounts to the sum of _____ dollars, which said sum of _____ dollars is now due and payable as provided under said Act.

CAP. XL.

An Act to incorporate The Streetsville and Port Credit Junction Railway Company.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS it is highly desirable that a Railway should be made from some point on the line of the Great Western Railway at Port Credit to the village of Streetsville, in the Township of Toronto, in the County of Peel; and the persons hereinafter mentioned having petitioned to be incorporated for that purpose, it is expedient to grant a charter for the construction of such railway, with power to extend the same; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Incorporation. **1.** James Gooderham, Reeve, William Barber, M P.P., Robert Cotton, F. C. Capreol, Thomas Beatty, George Turner, William Beatty, J. Embleton, W. J. Penney, together with such persons and corporations as shall under the provisions of this Act become shareholders in the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of The Streetsville and Port Credit Junction Railway Company.

Name.

2 The said company hereby incorporated shall have full power under this Act to construct a railway from Port Credit, at or near such point on the line of the Great Western Railway, as may be found most eligible to the village of Streetsville aforesaid, with power to extend the said Railway to the town of Milton, in the county of Halton, or along the Valley of the Credit to the village of Cheltenham in the township of Chinguacousy in the county of Peel.

Line of Railway authorized.

3. The several clauses of the Railway Act of the Consolidated Statutes of Canada and amendments with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "President and directors their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines and penalties and their prosecution," "by-laws, notices, &c.," working of the railway," and "general provisions," shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof, and the expression "this Act" when used herein shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

Certain clauses of the Railway Act to apply.

Interpretation of the words "this Act."

4. The capital stock of the said company shall be two hundred thousand dollars, divided into two thousand shares of one hundred dollars each, with power to increase the same under the General Railway Act.

Capital.

5. From and after the passing of this Act, the Hon. John Carling, James Gooderham, William Barber, F. C. Capreol, and Oliver Hammond shall be provisional directors, and a majority of the said provisional directors shall be a quorum, and the said provisional directors shall have power to exercise all the powers and privileges conferred upon the company, until the board of directors, hereafter provided to be appointed by the shareholders, shall have been elected in accordance with the provisions hereafter made in that behalf.

Provisional Directors.

6. The persons named in the fifth clause hereof are constituted the board of provisional directors of the said company, and shall hold office as such until the first election of directors under this Act, and shall have power and authority immediately after the passing of this Act, to open stock books, and procure subscriptions of stock for the undertaking, giving at least four weeks' previous notice by advertisement in the *Ontario Gazette*, of the time and place of their meeting, to receive subscriptions of stock; and the said provisional directors may cause surveys and

Powers of Provisional Directors.

and plans to be made and executed and to acquire any plans and surveys now existing, and it shall be their duty, as herein-after provided, to call a general meeting of shareholders for the election of directors.

No subscrip-
tion valid un-
less ten per
cent. paid
thereon.

7. No subscription of stock in the capital of the said company shall be legal or valid, unless ten per centum shall have been actually and *bona fide* paid thereon, within five days after subscription, into one or more of the chartered banks of this Province, to be designated by the said directors, and such ten per centum shall not be withdrawn from such bank, or otherwise applied, except for the purposes of such railway, or upon the dissolution of the company from any cause whatever; and the said directors or a majority of them may, in their discretion, exclude any persons from subscribing, who, in their judgment, would hinder, delay, or prevent the said company from proceeding with and completing their undertaking under the provisions of this Act; and if more than the whole stock shall have been subscribed, the said provisional directors shall allocate and apportion it amongst the subscribers, as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, this will best secure the building of the said railway.

Allocation of
stock in cer-
tain cases.

General meet-
ing for election
of directors,
when to be
called.

8. So soon as twenty thousand dollars of the said capital stock shall have been subscribed as aforesaid, and fifty per centum *bona fide* paid thereon, and deposited in one or more of the chartered banks of this Province, for the purposes of the company, the hereinbefore mentioned directors, or a majority of them, shall call a meeting of the shareholders of the said company, at such time and place as they may think proper, giving at least two weeks' notice in the *Ontario Gazette*, at which meeting the shareholders shall elect five directors from the shareholders possessing the qualifications hereinafter mentioned, which directors shall hold office until the next annual meeting of the shareholders, as hereinafter provided.

Annual
meeting.

9. The annual general meeting of the shareholders for the election of directors, and other general purposes, shall be held at the city of Toronto, or elsewhere, within this Province, as may be appointed by by-law, on the first Wednesday in the month of June in each year, and two weeks' previous notice thereof shall be given by publication, as provided in the last preceding clause.

Qualification
of directors.

10. No person shall be elected a director of the said company unless he shall be the holder and owner of at least twenty shares in the stock of the said company, and shall have paid up all calls made thereon.

11.

11. No call to be made at any time upon the said capital Calls. stock shall exceed ten per centum on the subscribed capital.

12. All deeds and conveyances for land required by the said company, may be in the form given in Schedule "B" annexed; and all Registrars are required to register the same on the production of a duplicate thereof, with an affidavit of due execution, and for so doing the company shall pay to the said Registrar the fee of fifty cents, and no more.

Form of conveyance.

13. And it shall further be lawful for any municipality or municipalities interested, to aid or assist the said company, by loaning or guaranteeing, or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company, and otherwise in such manner and to such extent as such municipalities, or any of them, shall think expedient; Provided always, that such aid, loan, bonus or guarantee, shall be given under a by-law for the purpose, to be passed in conformity with the provisions of the act respecting municipal institutions for the creation of debts; and all such by-laws so passed shall be valid, notwithstanding that such rate may exceed the aggregate rate of two cents in the dollar on the actual value of such ratable property; Provided that the annual rate of assessment shall not in any case exceed for all purposes three cents in the dollar on the actual value of the whole ratable property within the municipality, or portion of a municipality, creating such debt.

Municipalities may aid by granting bonuses, &c.

Such aid to be granted by by-law.

14. In case a majority of the persons rated on the last assessment roll as freeholders in any portion of a municipality do petition the council of such municipality, defining the metes and bounds of the section of the municipality within which the property of the petitioners is situated, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus or donation to the said company for this purpose, and stating the amount which they so desire to give and grant and to be assessed therefor, the council of such municipality shall pass a by-law;

If a portion of the municipality desire to aid, Council to pass a by-law.

(1.) For raising the amount so petitioned for by the freeholders in such portion of the municipality, by the issue of debentures of the municipality, payable within twenty years or earlier, and for the payment to the said company of the amount of the said bonus or donation at the time and on the terms specified in the said petition;

for issuing debentures.

(2.) For assessing and levying upon all the ratable property lying within the section defined by the said petition, an annual special rate sufficient to include a sinking fund for the repayment of debentures, with the interest thereon, which municipal councils are hereby authorized to execute and issue in such cases respectively;

for assessing and levying an annual special rate.

Provided

By-law to be approved by electors.

Provided the said by-law shall be approved of as in sections two hundred and twenty-six, two hundred and twenty-seven, and two hundred and twenty-eight of the Municipal Act of one thousand eight hundred and sixty-six, chaptered fifty-one, by the majority of qualified electors in the portion of a municipality petitioning as aforesaid.

When a bonus is granted, the Company may enter into an agreement to expend such bonus within the municipality.

15. Whenever any municipality, or portion of a municipality shall grant a bonus to aid the making, equipment and completion of said railway, it shall be lawful for said company to enter into a valid agreement with such municipality, binding the said company to expend the whole of such bonus upon works of construction within the limits of the municipality granting the same.

Debentures to be held by trustees.

16. Whenever any municipality, or portion of a municipality, shall grant a bonus to aid the said company in the making, equipping and completion of the said railway, the debentures therefor may, at the option of the said municipality, within six weeks after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the council of the municipality granting the bonus; all the trustees to be residents of the Province of Ontario: Provided that if the Lieutenant-Governor in Council shall refuse or neglect to name such trustee within one month after the notice in writing to him of the appointment of the two other trustees, the company shall be at liberty to name one in the place of the one to have been named by the said Lieutenant-Governor in Council: Provided also, that the said Reeves shall appoint the said trustees to be named by them, by vote of a majority of them who shall attend a meeting for that purpose, to be held at such time and place as the said company may appoint for that purpose; notice of which shall be sent to each reeve by mail at least fourteen days before the day appointed, and if the said reeves then fail or neglect to name such trustee, the said company shall be at liberty to name one in the place of the trustee to have been named by the said reeves.

How the trustees are to be appointed.

Appointment of new trustees.

17. Any trustee appointed may be removed and a new trustee appointed in his place at any time by the consent of the Lieutenant-Governor in Council, a majority of the said reeves and the said company.

Trusts on which the debentures are to be held.

18. The said trustees shall receive the said debentures in trust; Firstly, to convert the same into money; Secondly, to deposit the amount realized from the sale of such debentures in some of the chartered Banks having an Office in Toronto in the name of the "Streetsville and Port Credit Junction Railway Municipal Trust Account," and to pay the same out to the said company from time to time on the certificate

cate of the Chief Engineer of the said railway in the form set out in Schedule "A" hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is applied, and the total amount expended on such portion to the date of the certificate, and that the sum so certified does not exceed the *pro rata* amount per mile for the length of the road to be applied on the work so done, and such certificate to be attached to the cheques to be drawn by the said trustees.

19. The act of any two of such trustees to be as valid and binding as if the three had agreed. Act of two Trustees to be binding.

20. The directors of the said company, after the sanction of the shareholders shall have been first obtained, at any special general meeting to be called from time to time for such purpose, but limited to the terms of this Act, shall have power to issue bonds, made and signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the company, real and personal and then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and an incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and the property of the company as aforesaid; Provided however, that the whole amount of such issue of bonds shall not exceed in all the sum of two hundred thousand dollars, nor shall the amount of such bonds issued at any one time be in excess of the amount of the Not to exceed \$200,000. paid up instalments on its share capital, together with the amount paid up, Municipal and other Bonuses, and of the amount which has been actually expended in surveys and in works of construction upon the line; And provided also further that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders; Provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares. Bonds to be registered.

21. Unless twenty thousand dollars, at least, of the said capital stock shall be subscribed, and fifty per centum thereon shall be paid, and the said line of railway be *bona fide* commenced within two years from the passing of this Act, or that the said line of railway be wholly completed within four years, then this charter and the privileges thereby conferred shall become forfeited; and in the event of non-compliance with the above provisions within the times limited by this Act When work to be commenced and conditions.

Act

Act, then the rights and privileges conferred by this Act shall cease and be void and of none effect.

Company may purchase lands and for what purposes.

22. Whenever it shall become necessary, for the purpose of procuring sufficient lands for stations or gravel pits, or other purposes, for constructing, maintaining and using the said railway, it shall be necessary to purchase more land than is required for such stations, or gravel pits or other purposes, the said company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, in such manner, and for such purposes connected with the constructing, maintenance or use of the said railway as they may deem expedient, and to sell and convey the same, or parts thereof, from time to time as they may deem expedient.

Company may enter into agreement with other companies for use of road, &c.

23. It shall be lawful for the said company to enter into any agreement with any other railway company in the Dominion of Canada, for leasing the said railway, or any part thereof, or the use thereof, at any time or times, or for any period, to such other company; or for leasing or hiring from such other company any railway or part thereof, or the use thereof; or for the leasing or hiring any locomotives, tenders or moveable property; and generally to make any agreement or agreements with any such other company, touching the use by one or the other, or by both companies, of the railway or moveable property of either, or of both, or any part thereof; or touching any service to be rendered by the one company to the other, and the compensation therefor; or such other railway company as well as any other corporation may agree upon any terms, as they may mutually consent to, for the loan of its credit to, or may subscribe to and become the owner of the stock of the railway company hereby created, in like manner and with like rights as individuals; but in so far only as the powers hereby conferred may be construed to have reference to any act, deed, matter or thing to be done, executed, fulfilled or performed within the limits of the Province of Ontario to the other and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by Courts of Law, according to the terms and tenor thereof; and any company or individual accepting and executing such lease shall be and is empowered to exercise all the rights and privileges in the Charter conferred.

Municipalities may exempt property of Company from taxation, or make compensation, etc.

24. It shall be further lawful for the corporation of any municipality through any part of which the railway of the said company passes, or is situate by by-law, specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation; or to agree to a certain sum per annum, or otherwise in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments, to be imposed by such municipal corporation, and for

for such term of years as such municipal corporation may deem expedient.

25. All reasonable and preliminary expenditure incurred in obtaining this Act, and in the formation or establishing of the said corporation, shall be paid from the funds of the company by a vote of the Provisional Board of Directors.

Preliminary
expenditure to
be paid from
the funds of
the Company.

SCHEDULE "A."

CHIEF ENGINEER'S CERTIFICATE.

THE S. AND P. C. J. RAILWAY COMPANY'S OFFICE,
ENGINEER'S DEPARTMENT, A.D. 18 .

No

Certificate to be attached to cheques drawn on the S. and P. C. J. Railway Municipal Trust Account, and given under section of cap. 34 Vic.

I, Chief Engineer for the S. and P. C. J. Railway, do hereby certify, that there has been expended in the construction of mile No. , (the said mileage being numbered consecutively from ,) the sum of dollars to date, and that the total *pro rata* amount due for the same from the said Municipal Trust Account, amounts to the sum of dollars, which said sum of dollars is now due and payable as provided under said Act.

SCHEDULE "B."

Know all men by these presents that I (or we) (*insert also the name of wife or any other person who may be a party*) in consideration of dollars paid to me (*or as the case may be*) by the S. and P. C. J. Railway Company, the receipt whereof is hereby acknowledged, do grant and convey and I, the said do grant and release, (*or do bar my dower in as the case may be*) all that certain parcel, (*or those certain parcels as the case may be*) of land situate (*describe the land*) the same having been selected and laid out by the said Company, for the purposes of their Railway, to hold with the appurtenances unto the said the S. and P. C. J. Railway Company, their successors and assigns.

As witness my (or our) hand and seal (or hands and seals)
this

this day of one thousand eight hundred
and

Signed, sealed and delivered, in the }
presence of }

[L.S]

CAP. XLI.

An Act to amend the Act incorporating the Hamilton
and Lake Erie Railway Company.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS the Hamilton and Lake Erie Railway Company, incorporated by an Act passed in the thirty-third year of Her Majesty's reign, chaptered thirty-six, have petitioned for power to extend the line of the railway authorized by their charter to Port Dover, or some other point in the County of Norfolk on Lake Erie, and for certain amendments in their Act of Incorporation, and it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to extend the line.

1. The said company shall have power to extend their line either from Caledonia or Cayuga to Port Dover, or some other point on Lake Erie, within the County of Norfolk, and the several clauses of the Railway Act, which, by the second clause of the Act incorporating the Hamilton and Lake Erie Company, are incorporated with that Act, and the powers given by that Act shall be taken, held and construed to apply to the extensions hereby authorized to be constructed, as fully and effectually as if the said extensions had been originally authorized by the said last mentioned Act.

33 V., c. 36,
s. 8 repealed,
other provisions in lieu
thereof.

2. The eighth section of the said Act is hereby repealed, and in lieu thereof it is enacted, that as soon as the sum of fifty thousand dollars shall have been subscribed, either in municipal debentures granted by way of bonus or otherwise, or in ordinary subscriptions by individuals to the capital stock, or partly in such municipal debentures and partly in such subscriptions, and such municipal debentures shall have been deposited in one of the chartered banks of the Province, or with the Provincial Treasurer, as hereinafter provided, and ten per centum shall have been paid upon the shares so subscribed for into some chartered bank, there to remain until required for the purposes of this Act the provisional directors, or a majority of them, shall call a
general

general meeting of the subscribers to the said capital for the purpose of electing directors of the company.

3. The said last named directors are hereby authorized to take all necessary steps for procuring subscriptions for shares in the stock books of the company from parties desirous of becoming shareholders in the said company, until the whole of the capital stock authorized by the said Act shall have been taken up, and to issue the necessary scrip therefor.

Powers as to
subscribing for
shares.

4. The first proviso to the fourteenth clause of the said Act is hereby repealed, and the following substituted therefor: Provided always, that the whole issue of such bonds shall not exceed two hundred thousand dollars, nor shall the same at any time be in excess of the amount actually expended in works of construction upon the said line.

33 V., c. 36 s.
14 amended.

5. It shall be lawful for the city of Hamilton, which is a creditor and holder of bonds referred to in the twenty-first section of the said Act, through its Mayor or chief officer, to assent to the sale authorized by that section, and to accept from the trustees deferred bonds and paid up stock in satisfaction of its claims, in the same way as other creditors, and such sale made with such assent as therein and herein provided, shall be valid and binding upon all parties.

City of Hamilton,
powers
under 33 V.,
c. 36, s. 21.

6. In case the majority of the persons rated on the last assessment roll as freeholders, who may be qualified voters under the Municipal Act in any portion of the Municipality, do petition the Council of such Municipality, to pass a by-law as hereinafter set out, such petition to define the metes and bounds of the section of the Municipality within which the property of the petitioners is situated, or in the case of a County Municipality the majority of the Reeves and Deputy Reeves for those Townships, Towns or Incorporated Villages that may be asked to grant a bonus, do petition the Council of such County Municipality to pass a by-law as hereinafter set out, and in such petition do define the Municipalities for which they are respectively the Reeves and Deputy Reeves, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said Company for this purpose, and stating the amount which they so desire to grant, and the metes and bounds of the section or sections they desire to be assessed therefor, the Council of such Municipality shall pass a by-law;

If a portion of
a municipality
desire to aid,
the Council to
pass a by-law,

(1.) For raising the amount so petitioned for by the freeholders in such portion of the municipality or such Reeves or Deputy Reeves, by the issue of debentures of the municipality, payable within twenty years, or earlier, and for the payment to the company of the amount of said bonus or donation at the time and on the terms specified in the said petition;

for raising the
amount petitioned
for by the issue of
debentures,

(2.)

for assessing
and levying an
annual special
rate.

(2.) For assessing and levying upon all the ratable property lying within the section defined by the said petition, an annual special rate sufficient to include a sinking fund for the re-payment of such debentures, with interest thereon; Provided always, that such by-law shall be approved by a majority of qualified municipal electors in the portion of the municipality petitioning as aforesaid, pursuant to the provisions of the Municipal Act hereinbefore mentioned.

Powers to ex-
empt or com-
mute for taxes.

7. It shall be further lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross or by way of commutation or composition, for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years not exceeding twenty-one years as such municipal corporation may deem expedient.

Debentures in
aid of the rail-
way, how to
be dealt with.

8. The municipality or municipalities granting aid by way of bonus, or authorizing the issue of municipal debentures to the company to aid in the construction of the railway, shall, within one month after the passing of the by-laws granting such aid, deposit the same either with the Provincial Treasurer or in one of the chartered banks of this Province, to be withdrawn upon such terms and conditions as may be mentioned in the by-law or in the agreement entered into between the council of such municipality and the directors of the company.

Agreement
referred to in
33 Vic., c. 36,
s. 22, pro-
visions as to.

9. In the event of the agreement referred to in the twenty-second clause of the said recited Act not being carried into effect within two months after the organization of the company under this Act, the trustees named in the said Act shall and may transfer to the company hereby incorporated the whole of the property vested in them under the last mentioned Act upon the trusts following, that is to say: That the same and the improvements to be made thereon, and their appurtenances and all other property to be acquired by the said company, and the tolls, receipts and revenues thereof over and beyond the working expenses and maintenance of the said railway shall stand pledged and charged to pay interest at the rate of seven per centum upon the capital by the said Act and this Act authorized to be raised for the completion of the said railway, whether it shall consist of stock, bonds or debentures, and which capital is hereinafter referred to as the preferential capital, and to pay a sum of two per centum as a sinking fund to pay off the said preferential capital; and subject thereto to apply the residue in and towards the payment of such liens as are referred to in the last mentioned Act, *pari passu*, or according to their legal preferences or priorities, with power to pay such surplus into the

the Court of Chancery in the event of the claimants differing as to the application thereof.

10. Whenever the said preferential capital shall have been discharged, the bondholders at present holding valid claims on the Hamilton and Port Dover Railway shall be entitled to exercise all the rights of shareholders in the said company and shall have the same number of votes as would be conferred by holding stock or shares in the company of equal nominal amount, but if the amount of bonds held by any such bondholder be not divisible without a remainder by the amount of a share in the company there shall be no vote in respect of such remainder; but the rights hereby conferred shall not arise until the whole of the preferential capital shall have been paid and discharged.

Bondholders of Hamilton and Port Dover Railway, their rights as shareholders.

11. As soon as the further sum of one hundred thousand dollars has been subscribed, either in municipal debentures granted by way of bonus or otherwise, or partly in such municipal aid and partly in subscriptions to the capital stock, upon which ten per centum shall have been paid into a chartered bank as hereinbefore provided, and so soon as such municipal debentures shall have been deposited as aforesaid, it shall be lawful for the company to proceed with the extension hereby authorized from Caledonia or Cayuga to Port Dover, with the right to extend the same to Port Rowan, on Lake Erie, within the County of Norfolk; and for the purpose of such extension the capital may be increased to four hundred thousand dollars.

When the extension of the line may be made.

Power to increase capital.

12. The company may in like manner, as is provided in the said recited Act, issue bonds for the purpose of raising funds for the construction of such extension, not exceeding in the whole ten thousand dollars per mile of the said railway actually under construction at the time of such issue; And provided also, that the amount of bonds issued at any one time shall not be in excess of the amount actually expended in works of construction upon the line of the said railway, materials actually delivered to the company being included in the words "works of construction."

Powers to issue bonds for the extension.

13. The bonds referred to in the last clause, to the extent aforesaid, shall take priority over the deferred bonds mentioned in the twenty-fifth section of the said recited Act.

Priority of bonds for extension.

14. The time for the completion of the said railway to Caledonia or Cayuga shall be extended for a period of two years, and for the extension to Lake Erie, to the period of four years after the passing of this Act.

Time fixed for completion.

15. The said Railway Company may, for advance of money to be made thereon, mortgage and deposit, and transfer by way of mortgage, or as security, and may pledge all or any bonds that may be lawfully issued by the said company.

Company may mortgage bonds.

CAP. XLII.

An Act to incorporate the London, Huron and Bruce Railway Company.

[Assented to 15th February, 1871.]

Preamble. **W**HEREAS a petition has been presented, praying that a Company may be incorporated to construct a railway from the city of London to some point in the township of Stanley or Tuckersmith, in the county of Huron, or both, with power to extend the same to Goderich or Kincardine, or both, or to some other point or points on Lake Huron, and it is expedient to grant the prayer of the petitioners; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation. **1.** Murray Anderson, The Honourable John Carling, Charles P. Smith, Alexander Johnston, Isaac Carling, William T. Hays, Josiah Blackburn, Daniel Shoff, James H. Flock, James Cousins, Joseph Atkinson, Robert Bell, John Williams, Hugh F. McDonald, William Ferris, James Egan, Robert Reid, James Buntin, Ellis W. Hyman, and Thomas Churcher, together with such persons and corporations as shall, in pursuance of this Act, become shareholders of the said Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The London, Huron and Bruce Railway Company."

Name of Corporation.

Certain clauses of the Railway Act to apply. **2.** The several clauses of the Railway Act of the Consolidated Statutes of Canada and amendments with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "President and Directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines and penalties, and their prosecution," "by-laws, notices, &c.," "working of the railway" and "general provisions," shall be incorporated with and deemed to be a part of this Act, and shall apply to the said Company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression, "This Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

Interpretation of the words "this Act."

Construction of Railway. **3.** The said Company and their servants and agents shall have full power, under this Act, to construct a railway from any point in the city of London to some point in the townships of Stanley or Tuckersmith, in the county of Huron, or both, with

with power to extend the same to Goderich or Kincardine, or both, or to some other point or points on Lake Huron.

4. The said Company shall have full power to pass over any portion of the country between the points aforesaid, and to carry the said railway through the crown lands lying between said points, and to carry the same along any public road or highway, provided they shall have first obtained the sanction of the council of the municipality in which such road or highway is situated.

Company may carry railway along public roads, etc.

Proviso.

5. The gauge of the said railway shall not be less than three feet, but may be wider, in the discretion of the directors of said Company.

Gauge of Railway.

6. Conveyances of land to the said Company for the purposes of this Act may be made in the form set out in the Schedule "A" hereunder written or to the like effect, and such conveyances shall be registered by duplicates thereof in such manner and upon such proof of execution as is required under the Registry Laws of Ontario, and no Registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Form and Registration of conveyance of Land.

7. From and after the passing of this Act the said Murray Anderson, The Honourable John Carling, Charles P. Smith, Alexander Johnston, Isaac Carling, William T. Hays, Josiah Blackburn, Daniel Shoff, James H. Flock, James Cousins, Joseph Atkinson, Robert Bell, John Williams, Hugh F. McDonald, William Ferris, James Egan, Robert Reid, James Buntin, Ellis W. Hyman, and Thomas Churcher, shall be the Provisional Directors of the said Company.

Provisional Directors.

8. The said Provisional Directors, until others shall be named as hereinafter provided, shall constitute the Board of Directors of the Company, with power to fill vacancies occurring therein, to open stock books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided, and with all other powers as under the Railway Act are vested in such Boards.

Powers of Directors.

9. The capital of the Company hereby incorporated shall be four hundred thousand dollars, (with power to increase the same in the manner provided by the Railway Act), to be divided into eight thousand shares of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in such Company, and the money so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected

Capital, \$400,000. with power to increase.

Application of the money raised on the stock.

Advances for preliminary expenses.

nected with the works hereby authorised ; and all the remainder of such money shall be applied to the making, equipment and completion of the said railway, and the other purposes of this Act, and to no other purpose whatever ; and until such preliminary expenses shall be paid out of the capital stock, it shall be lawful for the municipality of any city, county, township or village to pay out of the funds of such municipality, or for any individual or individuals to pay and advance, either by way of bonus or donation, or by way of loan to the said Company, such preliminary expenses or any part thereof as to the council of such municipality, or to such individual or individuals may appear expedient ; and in case of a loan, any sum thus advanced shall be refunded to the municipality or individual or individuals from the stock of said Company, or shall be allowed in payment of any stock which may be subscribed for by each municipality or individual or individuals.

Municipalities may exempt Railway from taxation.

10. It shall be lawful for the corporation of any municipality through any part of which the said railway passes or is situate, by by-law specially passed for that purpose, to exempt the said Company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross, or by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding fifteen years.

Municipalities may aid by Bonus, &c.

11. And it shall further be lawful for any municipality or municipalities through any part of which or near which the railway or works of the said Company shall pass or be situated, to aid and assist the said Company by loaning or guaranteeing, or giving money by way of bonus or donations, or other means, to the Company, in the construction or equipment of said railway or of any of the works authorized under this Act, in such manner and to such extent as such municipalities or any of them shall think expedient: Provided always, that no such aid or assistance by way of bonus, donation or otherwise shall be given until after the passing of a by-law for the purpose, and the adoption of such by-law by the rate-payers: Provided also, that any such by-law to be valid shall be made in conformity with the laws of this Province respecting municipal institutions ; and all such by-laws so passed shall be valid, notwithstanding such rate may exceed the aggregate rate of two cents in the dollar on the actual value of such ratable property: Provided that the annual rate of assessment shall not in any case exceed, for all purposes, two cents in the dollar on the actual value of the whole ratable property within the municipality or portion of a municipality creating such debt.

Proviso: such aid to be granted by By-law.

Proviso.

Proviso.

If a portion of Municipality

12. In case a majority of the persons rated on the last assessment

assessment roll as freeholders in any portion of a municipality, do petition the council of such municipality, defining the metes and bounds of the section of the municipality within which the property of the petitioners is situated, or in the case of a county municipality, the majority of the reeves and deputy-reeves for those townships that may be asked to grant a bonus, do petition the council of such county municipality, and in such petition do define the townships for which they are respectively reeves and deputy-reeves, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus or donation to the said Company for this purpose, and stating the amount which they so desire to give and grant, and to be assessed therefor the council of such municipality shall pass a by-law ;

desire to aid,
Council to
pass a by-law,

(1.) For raising the amount so petitioned for by such freeholders or such reeves and deputy-reeves in such portion of the municipality, payable within twenty years or earlier, and for the payment to the said Company of the amount of the said bonus or donation at the time and on the terms specified in the said petition ;

for issuing de-
bentures,

(2.) For assessing and levying upon all the ratable property lying within the section defined by the said petition, an annual special rate sufficient to include a sinking fund for the repayment of debentures with the interest thereon, which debentures the municipal councils and the wardens, reeves and other officers thereof are hereby authorised to execute and issue in such cases respectively ;

for assessing
and levying
an annual
special rate.

Provided the said by-law shall be approved of, as in sections two hundred and twenty-six, two hundred and twenty-seven and two hundred and twenty-eight of the Act passed in the session held in the twenty-ninth and thirtieth years of the reign of Her present Majesty and chaptered fifty-one, by the majority of qualified electors in the portion of a municipality petitioning as aforesaid.

Provido, by-
laws to be ap-
proved by
electors.

13. Whenever any municipality or portion of a municipality shall grant a bonus to aid the making, equipment and completion of said railway, it shall be lawful for said Company to enter into a valid agreement with such municipality, binding the said Company to expend the whole or part of such bonus upon works of construction within the limits of the municipality granting the same.

Company may
agree to ex-
pend bonus in
certain lo-
calities.

14. Whenever any municipality or portion of a municipality shall grant a bonus to aid the said Company in the making, equipping and completion of the said railway, the debentures therefor shall within six weeks after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said

Bonus to be
held by
Trustees.

said

How Trustees said Company, and one by the Mayor of the city of London, appointed. and the Wardens of the counties of Middlesex, Huron and Bruce, such trustees to be residents of some of the municipalities through which the said railway is to be built; Provided

Proviso.

that if the Lieutenant-Governor in Council shall refuse or neglect to name such trustee within one month after the notice in writing to him of the appointment of the other two trustees, the said Company shall be at liberty to name one in the place of the one to have been named by the said Lieutenant-Governor in Council; Provided also, that the said Mayor and Wardens

Proviso.

shall appoint the said trustee to be named by them by the vote of a majority of them who shall attend a meeting for that purpose, to be held at such time and place as the said Company may appoint for that purpose, notice of which shall be sent to the said Mayor and each Warden by mail, at least fourteen days before the day appointed; and if the said Mayor and Wardens then fail or neglect to name such trustee, the said Company shall be at liberty to name one in the place of the trustee to have been named by the said Mayor and Wardens.

Appointment of new Trustees.

15. Any trustee appointed may be removed and a new trustee appointed in his place at any time by the consent of the Lieutenant-Governor in Council, a majority of the said wardens, mayor and the said Company.

Trusts on which debentures are to be held.

16. The said trustees shall receive the said debentures in trust, firstly, to convert the same into money; secondly to deposit the amount realized from the sale of such debentures in some of the chartered banks, having an office in the City of London, in the name of "The London Huron and Bruce Railway Municipal Trust Account," and to pay the same out to the said Company from time to time on the certificate of the chief engineer of the said railway in the form set out in Schedule "B" hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied, and the total amount expended on such portion to the date of the certificate, and that the sum certified does not exceed the *pro rata* amount per mile for the length of the road to be applied on the work so done, and such certificates to be attached to the cheques to be drawn by the said trustees; and the wrongfully granting any such certificate by such engineer shall be a misdemeanour punishable by fine and imprisonment by any court of competent jurisdiction in the Province of Ontario.

Act of two Trustees to be binding.

17. The Act of any two of such trustees shall be as valid and binding as if the three had agreed thereto.

General meeting when to be called.

18. As soon as shares to the amount of one hundred thousand dollars of the capital stock of the said Company other than by municipalities shall have been subscribed and twenty thousand dollars thereof paid into some chartered bank, having an office

office in the City of London (which shall only be drawn therefrom for the use of the Company), the directors shall call a general meeting of the subscribers to such capital stock who shall have so paid up twenty per centum thereof for the purpose of electing directors of the said Company.

19. In case the Provisional Directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed and twenty thousand dollars thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up twenty per centum and who are each subscribers for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon.

How the meeting may be called if the provisional directors neglect to call the same.

20. In either case notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in one newspaper in the City of London, and in one newspaper in each of the counties through which the said railway is intended to pass, once in each week for the space of at least one month, and such meeting shall be held in the City of London, at such place therein and on such day as may be named by such notice.

Notice of general meeting.

21. At such general meeting, the subscribers for the capital stock assembled who shall have so paid up twenty per centum thereof, with such proxies as may be present, shall choose nine persons to be the directors of the said Company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Election of Directors.

22. Such directors shall be chosen from the shareholders, and no person shall be qualified to be elected as such director unless he holds at least ten shares in the capital stock of said Company, and has paid up all calls thereon.

Qualification of directors.

23. Thereafter the general annual meetings of the shareholders of the said Company shall be held in such place in the City of London, and on such days and at such hours as may be directed by the by-laws of the said Company; and public notice thereof shall be given at least thirty days previously in the *Ontario Gazette*, and in one or more newspapers published in the counties through which the railway runs.

Annual Meetings.

Notice thereof.

24. Special general meetings of the shareholders of the said Company may be held at such places in the City of London, and at such times and in such manner and for such purposes as may be provided by the by-laws of the said Company.

Special general meetings.

25. The Directors of the said Company, after the sanction of the shareholders shall have been first obtained at any special general meeting of the Company, may issue bonds for the purpose of raising money for the construction of the railway.

Issue of Bonds by the Company.

general

general meeting to be called from time to time for such purpose but limited to the terms of this Act, shall have power to issue bonds made or signed by the president or vice-president of the said Company and countersigned by the secretary and treasurer and under the seal of the said Company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance be taken and considered to be the first and preferential claims and charges upon the undertaking, and the property of the said company real and personal then existing and at any time thereafter acquired; and each holder of any such bonds shall be deemed to be a mortgagee and incumtrancer *pro rata* with all other holders of such bonds, upon the undertaking and property of the Company as aforesaid: Provided however, that the whole amount of such issue shall not exceed four hundred thousand dollars, nor shall the amount of such bonds issued at any one time be in excess of the amount of paid up instalments on its share capital together with the amount of paid up municipal and other bonuses, and which have been actually expended in the surveys, purchase of right of way, and in works of construction upon the line, or for material actually furnished and delivered to the Company within the Province of Ontario: And provided also further, in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of such bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are enjoyed by or attached to shareholders; provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares.

Securities may be payable to bearer. **26.** All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer may sue at law thereon in his own name.

Company may make promissory notes, &c. **27.** The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice-president of the Company and countersigned by the secretary and treasurer of the said Company and under the authority of a quorum of the directors shall be binding on the said Company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange; nor shall the president or vice-president or the secretary and treasurer be individually responsible for the same unless the

the said promissory notes or bills of exchange have been issued without the sanction and authority of the board of directors as herein provided and enacted: Provided however that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank. if not intended to be circulated as money.

28. Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the said shareholders, be entitled to one vote for every share so held by him. Scale of votes.

29. At all meetings of the Company the stock held by municipal and other corporations may be represented by such person as they shall respectively have appointed for that purpose by by-law; and such person shall at such meetings be entitled equally with other shareholders to vote by proxy; and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock held by such shareholders shall have been paid up at least one week before the day appointed for such meeting. How stock held by corporations to be represented.

30. Any meeting of the directors of the said Company, regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors. Quorum of directors.

31. On the subscription for shares of the said capital stock, each subscriber shall pay forthwith to the directors for the purposes set out in this Act, twenty per centum of the amount subscribed by him, and the said directors shall deposit the same in some chartered bank to the credit of the said Company. Twenty per cent. to be paid on subscription.

32. Thereafter calls may be made by the directors for the time being as they shall see fit; provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber. Future calls.

33. Whenever it shall be necessary, for the purpose of securing sufficient lands for stations, or gravel pits, or for constructing, maintaining and using the said railway, the Company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway; and to sell and convey the same, or parts thereof, from time to time, as they may deem expedient. When Company may purchase more land than requisite for stations. &c.

34. The said Railway Company shall, at all times, receive and carry cordwood, or any wood for fuel, at a rate not to exceed, for dry wood two and one half cents per mile per cord for all stations exceeding fifty miles, and at a rate not exceeding three cents per cord per mile for all stations under fifty miles. Company to carry cordwood at certain rates.

miles, in full car loads, and for green wood at the rate of two and one half cents per ton per mile.

Traffic in cord-
wood unre-
strained.

35. The Company shall further, at all times, furnish every facility necessary for the free and unrestrained traffic in cordwood to as large an extent as in other freight carried over the said railway.

Company may
enter into cer-
tain agree-
ments with
other Railway
Companies.

36. It shall be lawful for the said Company to enter into an agreement with any other railway company for the use of any portion of such other company's road, line, property or works, in, through or approaching the city of London, or touching any service to be rendered by the one company to the other, and the compensation therefor, upon such terms as the said companies may agree upon, and any such agreement shall be valid and binding upon the parties thereto, and shall be enforced by a court of law according to the terms and tenor thereof.

Time for com-
mencement
and comple-
tion of Rail-
way.

37. The said railway shall be commenced within one year, and completed within five years after the passing of this Act, or else the charter shall be forfeited.

SCHEDULE "A."

Know all men by these presents that I (or we insert also the name of the wife or any other person who may be a party) in consideration of _____ dollars of lawful money of Canada paid to me (or as the case may be), by the London, Huron and Bruce Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I the said _____ do grant and release or do bar my dower in (as the case may be) all that certain parcel (or those certain parcels, as the case may be,) of land situate (describe the land), the same having been selected and laid out by the said Company for the purposes of their railway, to hold with the appurtenances unto the said The London, Huron and Bruce Railway Company, their successors and assigns.

As witness my (or our) hand and seal (or hands and seals) this _____ day of _____ one thousand eight hundred and _____

Signed, sealed and delivered, in }
presence of }

[L. S.]

SCHEDULE "B."

CHIEF ENGINEER'S CERTIFICATE.

The London, Huron and Bruce Railway
Company's Office,
Engineer's Department.
London, 187

No.

187

*Certificate to be attached to cheques drawn on
The London, Huron and Bruce Railway Municipal Trust
Account, and given under sec. of cap Vic.*

I, Chief Engineer for The London, Huron and Bruce Railway Company, do hereby certify that there has been expended in the construction of mile No. (the said mileage having been numbered consecutively from the boundary of the city of London), the sum of dollars, to date, and that the total *pro rata* amount due for the same from the said Municipal Trust Account amounts to the sum of dollars, which said sum of dollars is now due and payable, as provided under said Act.

CAP. XLIII.

An Act to incorporate "The Fenelon Falls Railway Company."

[Assented to 15th February, 1871.]

WHEREAS the construction of a railway from a point on the line of the Toronto and Nipissing Railway, in the township of Eldon to Fenelon Falls, has become desirable for the development of the resources of a portion of the county of Victoria and the country adjacent thereto, and for the public convenience and accommodation of the inhabitants thereof; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. George Laidlaw, John Turner, William Thomson, John Leys, John Morrison, Christopher W. Bunting, R. H. Gardner and Harvey P. Dwight, together with such persons and corporations as shall, in pursuance of this Act, become shareholders of the said Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Fenelon Falls Railway Company."

Corporate
name.

2. The several clauses of the Railway Act of the Consolidated Statutes

of the Railway
Act to apply.

Interpretation
of the words
"this Act."

Location of
railway.

Gauge of rail-
way.

Conveyances
to the com-
pany.

Provisional
directors.

Powers of pro-
visional direc-
tors.

Statutes of Canada, and amendments with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and also the several clauses thereof, with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines, and penalties and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions," shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said Company and to the Railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof, and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

3. The said Company shall have full power, under this Act, to construct a railway from any point in the township of Eldon, on the line of the Toronto and Nipissing Railway to Fenelon Falls, or any point in the vicinity thereof, on the waters of Gull river between said Falls and Sturgeon Lake, with full power to pass over any portion of the country between the points aforesaid, and to carry the said railway through the Crown lands lying between the points aforesaid.

4. The gauge of the said Railway shall be not less than three feet six inches, but may be made wider in the discretion of the directors of the said Company.

5. Conveyances of lands to the said Company for the purposes of this Act may be made in the form set out in the schedule "A" hereunder written, or the like effect, and such conveyances shall be registered by duplicates thereof, in such manner and upon such proof of execution as is required under the Registry Laws of Ontario, and no Registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries, and certificates thereof, and certificate endorsed on the duplicate thereof.

6. From and after the passing of this Act, the said George Laidlaw, John Turner, William Thomson, John Leys, Christopher W. Bunting, John Morrison, R. H. Gardner and Harvey P. Dwight, shall be the provisional directors of the said Company.

7. The said Provisional Directors, until others shall be named as hereinafter provided, shall constitute the Board of Directors of the Company, with power to fill vacancies occurring thereon, to associate with themselves thereon not more than three other persons, who, upon being so named, shall become

come and be Provisional Directors of the Company equally with themselves, to open Stock Books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto for the election of other directors, as hereinafter provided, and with all such other powers as, under the Railway Act, are vested in such Boards.

8. The capital of the Company hereby incorporated shall be seventy-five thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided into one thousand three hundred shares of fifty dollars each, and shall be raised by the persons and Corporations who may become shareholders in such Company; and the money so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment, and completion of the said Railway and the other purposes of this Act and to no other purpose whatever; and until such preliminary expenses shall be paid out of the said Capital Stock, the Municipality of the City, County, Town, Township or Village, on the line of such works, may pay out of the general funds of such Municipality, its fair proportion of such preliminary expenses, which shall hereafter be refunded to such Municipality from the Capital Stock of the Company, or be allowed to it in payment of stock.

Capital of the Company \$75,000, with power to increase.

Preliminary expenses.

9. On the subscription for shares of the said capital stock, each subscriber shall pay forthwith to the directors for the purposes set out in this Act, ten per cent of the amount subscribed by him, and the said directors shall deposit the same in some chartered bank to the credit of the said company.

Ten per cent. to be paid on subscription.

10. Thereafter calls may be made by the directors for the time being, as they shall see fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber.

Future calls.

11. As soon as shares, to the amount of forty thousand dollars of the Capital Stock of the said Company, other than by Municipalities, shall have been subscribed, and ten per centum thereof paid into some chartered bank, having an office in the City of Toronto (which shall on no account be withdrawn therefrom unless for the service of the Company), the Directors shall call a General Meeting of the subscribers to the said Capital Stock, who shall have so paid up ten per centum thereof, for the purpose of electing Directors of the said Company.

General meeting for election of directors.

12. In case the Provisional Directors neglect to call such meeting for the space of three months after such amount of the capital

General meeting, how called if provisional

directors neglect to call the same.

capital stock shall have been subscribed and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum and who are subscribers among them for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon.

Notice of general meeting.

13. In either case notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in one daily newspaper in the city of Toronto, once in each week, for the space of at least four weeks, and such meeting shall be held in the city of Toronto, at such place therein and on such day as may be named by such notice. At such general meeting the subscribers for the capital stock assembled, who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose seven persons to be the directors of the said Company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Election of directors.

Power to pass by-laws, &c.

Annual meeting, when and where to be held.

Notice thereof.

14. Thereafter the general annual meeting of the shareholders of the said Company shall be held in such place in the city of Toronto, and on such days, and on such hours as may be directed by the by-laws of the said Company; and public notice thereof shall be given, at least four weeks previously, in the *Ontario Gazette*, and once a week in one daily newspaper published in the city of Toronto.

Special general meetings, when and where to be held.

15. Special general meetings of the shareholders of the said Company may be held at such places, in the city of Toronto, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said Company.

Scale of votes.

Only shareholders who have paid up to vote.

16. Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up, at least one week before the day appointed for such meeting.

Qualification of directors.

17. No person shall be qualified to be elected as such director, by the shareholders, unless he be a shareholder holding at least twenty shares of stock in the company, and unless he has paid up all calls thereon.

Quorum of directors.

18. Any meeting of the directors of the said Company, regularly summoned, at which not less than four directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors.

19. And it shall further be lawful for any municipality or ^{Municipalities} municipalities, or any county municipality, or any portion of ^{may aid the} any such municipality or municipalities or county municipality, ^{railway.} which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said Company shall pass or be situated, to aid and assist the said Company by loaning, or guaranteeing, or giving money by way of bonus or other means, to the Company, or issuing municipal bonds to or in aid of the Company, and otherwise, in such manner and to such extent as such municipalities, or any of them shall think expedient; Provided always, that no such aid, loan, bonus or guarantee ^{Proviso.} shall be given, except after the passing of by-laws for the purpose, and the adoption of such by-laws, by the rate-payers, as provided in the Municipal Act for the creation of debts.

20. In case the majority of the persons rated on the last ^{If a portion of} assessment roll as freeholders, who may be qualified voters ^{a municipality} under the Municipal Act, in any portion of a municipality, do ^{desire to aid,} petition the council of such municipality to pass a by-law as ^{council to pass} hereinafter set out, such petition to define the metes and bounds ^{a by-law,} of the section of the municipality within which the property of the petitioners is situated, or in the case of a county municipality the majority of the reeves and deputy reeves for those townships that may be asked to grant a bonus do petition the council of such county municipality to pass a by-law as hereinafter set out, and in such petition do define the townships for which they are respectively the reeves and deputy reeves, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said Company for this purpose, and stating the amount which they so desire to grant, and to be assessed therefor, the council of such municipality shall pass and submit such by-law to be voted on by the ratepayers;

(1.) For raising the amount so petitioned for by such free- ^{for issuing} holders, or such reeves and deputy reeves, in such portion of ^{debentures,} the municipality, by the issue of debentures of the municipality, payable in twenty years, or by equal annual instalments of principal with interest, and for the delivery to the said trustees of the debentures for the amount of said bonus at the times and on the terms specified in said petition;

(2.) For assessing and levying upon all the ratable property ^{for imposing} lying within the section defined by said petition, an equal annual ^{an annual} special rate, sufficient to include a sinking fund, for the repay- ^{special rate for} ment of the debentures with interest thereon, said interest to be ^{repayment.} payable yearly or half yearly; which debentures the municipal councils and the wardens, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

21. And in case such by-law be approved or carried by the ^{If by-law car-} majority

ried by rate-payers the council to pass the by-law,

majority of the votes given thereon, then within one month after the date of such voting, the said council shall read the said by-law a third time, and pass the same.

and issue debentures.

22. And within one month after the passing of such by-law the said council and the Warden, Mayor, Reeve or other head thereof, and the other officers thereof, shall issue the debentures for the bonus, thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act.

How rate to be levied.

23. In case any bonus be so granted by a portion of a municipality or county municipality, the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of the municipality or county municipality.

Provisions of the Municipal Acts to apply to the by-laws.

24. The provisions of the Municipal Acts so far as the same are not inconsistent with this Act shall apply to any by-law so passed, by or for a portion of a municipality or county municipality to the same extent as if the same had been passed by or for the whole municipality or county municipality.

By-laws to be valid though the annual rate exceeds two cents in the dollar.

25. All by-laws to be submitted to such vote for granting bonuses to the said Company, not requiring the levying of a greater annual rate than three cents in the dollar of the ratable property affected thereby, shall be valid, although the amount of the annual rate to be levied in pursuance thereof shall exceed two cents in the dollar.

Municipalities granting \$65,000 to be represented by a director.

26. Any municipality, which shall grant a bonus of not less than sixty-five thousand dollars in aid of the said company, shall be entitled to name a director in the said Company as the representative of such municipality; and such directors shall be in addition to all shareholders' directors in the said Company; and shall not require to be a shareholder in the said Company, and shall continue in office as a director in the said Company until his successor shall be appointed by the municipality which he represents.

Municipalities through which the railway passes may exempt the railway from taxation.

27. It shall further be lawful for the corporation of any municipality through any part of which the railway of the said Company passes or is situate, by by-law especially passed for that purpose, to exempt the said Company and its property, within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment; or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years.

Appointment of Trustees.

28. Whenever any municipality shall grant a bonus to aid
the

the said Company in the making, equipping, and completion of the said Railway, the debentures therefor shall, within six weeks after the passing of the by-law authorizing the same, be delivered to three trustees, namely, the Honorable George William Allan, the Honorable Matthew Crooks Cameron, and one to be named by the Lieutenant-Governor in Council; Provided that if the Lieutenant-Governor in Council shall refuse or neglect to name such trustee within one month after notice in writing to him requiring him to appoint such trustee, the said Company shall be at liberty to name one in the place of the one to have been named by said Lieutenant-Governor in Council. Proviso.

29. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council with the consent of the said Company, and in case any trustee die or resign his trust, or go to live out of Ontario or otherwise become incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council with the consent of the said Company. Vacancies in the office of trustee.

30. The act of any two such trustees shall be as valid and binding as if the three had agreed. Act of two trustees to be binding.

31. The said trustees shall receive the said debentures in trust, firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some of the chartered Banks having an office in the City of Toronto in the name of "The Fenelon Falls Railway Municipal Trust Account," and to pay the same out to the said Company from time to time on the certificate of the Chief Engineer of the said Railway in the form set out in Schedule "B" hereto or to the like effect, setting out the portion of the Railway to which the money to be paid out is to be applied, and the total amount expended on such portion to the date of the certificate, and that the sum so certified does not exceed the *pro rata* amount per mile for the length of the road or portion of the road, to be applied on the work so done; and such certificates to be attached to the cheques to be drawn by the said trustees; and the wrongfully granting any such certificate by such Engineer shall be punishable by fine, not less than one thousand dollars, and imprisonment by any court of competent jurisdiction in the Province of Ontario. Trusts upon which the debentures are to be held.

32. Any county in which is or are situated a township or townships or portion of a township, that shall grant a bonus or bonuses, in aid of the said company, shall be at liberty to take the debentures issued by such township or townships or portion of a township, and in exchange therefor to hand over to the trustees under this Act the debentures of the county, on a resolution being passed to that effect by a majority of the county council. Counties may take the debentures of townships.

Issue of
bonds.

33. The directors of the said Company after the sanction of the shareholders shall have been first obtained, at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president or vice-president of the said Company, and countersigned by the secretary and treasurer, and under the seal of the said Company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the Company, real and personal, then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and the property of the Company as aforesaid; Provided however, that the whole amount of such issue of bonds shall not exceed in all the sum of two hundred and fifty thousand dollars; nor shall the amount of such bonds issued at any one time be in excess of the amount of municipal and other bonuses and paid up share capital actually expended in surveys, purchase of right of way, and in works of construction and equipment upon the line of the said railway, or materials actually purchased, paid for and delivered to the Company within the Province of Ontario or Quebec; And provided also further, that, in the event at any time of the interest upon the said bonds remaining unpaid and owing then at the next ensuing general annual meeting of the said Company all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders; provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the Company to register the same on being required to do so by any holder thereof.

Proviso;
bonds not to
exceed
\$250,000.

Rights of
holders of
bonds at an-
nual meeting
when interest
is unpaid.

Securities to
be payable
to bearer..

34. All such bonds, debentures, mortgages, and other securities, and coupons, and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer, may sue at law thereon in his own name.

Company may
make promiss-
sory notes, &c.

35. The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice-president of the Company, and countersigned by the secretary and treasurer of the said Company, and under the authority of a quorum of the directors, shall be binding on the said Company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill

bill of exchange; or shall the president or vice-president, or the secretary and treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; Provided however, that nothing in this section shall be construed to authorize the said Company to issue any note or bill of exchange payable to bearer or intended to be circulated as money, or as the notes or bills of a bank. Proviso.

36. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the Company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the Company may purchase, hold, use or enjoy such lands and also the right of way thereto, if the same be separated from their railway; and to sell and convey the same or part thereof from time to time as they may deem expedient. Powers as to lands.

37. The railway shall be commenced within two years and completed within three years after the passing of this Act, or else the charter shall be forfeited. Commencement and completion of railway.

38. The said Railway Company shall at all times receive and carry cordwood or any wood or fuel at a rate not to exceed for dry wood three cents per mile per cord in full car loads, and for green wood at the rate of two and a half cents per ton per mile. The company shall further, at all times, furnish every facility necessary for the free and unrestrained traffic in cordwood to as large an extent as in the case of other freight carried over the said railway. Regulations as to the carriage of cordwood.

SCHEDULE "A."

KNOW ALL MEN BY THESE PRESENTS, that I (or we) [*insert the name or names of the vendor or vendors*] in consideration of _____ dollars paid to me (or us) by the Fenelon Falls Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) [*insert the name of any other party or parties*] in consideration of _____ dollars paid to me (or us) by the said Company the receipt whereof is hereby acknowledged do grant and release all that certain parcel (or those certain parcels *as the case may be*) of land situate (*describe the land*) the same having been selected and laid out by the said Company for the purposes of this Railway, to hold with the appurtenances into the said the Fenelon Falls Railway Company their

their successors and assigns [*here insert any other clauses covenants or conditions required.*] And I, the wife of the said
do hereby bar my dower in the
said lands.

As Witness my (or our) hand and seal (or hands and seals)
this day of one thousand eight hundred
and

Signed sealed and delivered }
in the presence of } [L. S.]

SCHEDULE "B."

CHIEF ENGINEER'S CERTIFICATE.

The Fenelon Falls Railway
Company's Office,
Engineer's Department,
A.D. 18

No.

*Certificate to be attached to cheques drawn on the Fenelon
Falls Railway Municipal Trust Account and given under
section of cap. 34 Vic.*

I, Chief Engineer for the Fenelon
Falls Railway, do hereby certify that there has been expended
in the construction of mile No. the sum of
dollars to date, and that the total *pro rata* amount due for
the same from the said Municipal Trust Account amounts to the
the sum of dollars, which said sum of
dollars is now due and payable as provided under said
Act.

CAP. XLIV.

An Act to incorporate the Merrickville and Westport
Railway Company.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS it is deemed a necessity that a railway should
be constructed from some point in the incorporated
village of Merrickville to the village of Westport, in the
township of North Crosby: Therefore Her Majesty, by and
with the advice and consent of the Legislative Assembly of the
Province of Ontario, enacts as follows:—

1. Hiram Easton, Samuel Jakes, George A. Montgomery, William H. Magee, Edward Erratt, Amos Robinson, John K. Weir, Henry Easton, David Mosher, Jesse Miner, Hiram McCrea, Alfred Lander, David R. Read, S. S. Cornell, S. S. Scovill, C. Chapman, William H. Fredenburgh, John Chaffey, John Draffin, A. W. Bell, John Kilborn, together with such other persons and corporations as shall, under the provisions of this Act, become shareholders in the company hereby incorporated are hereby constituted and declared to be a body corporate and politic, by and under the name and style of "The Merrickville and Westport Railway Company."

Incorporation.

Corporate name.

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada, and amendments, with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "President and Directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines and penalties and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions," shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

Certain clauses of the Railway Act to apply.

Interpretation of the words "this Act."

3. The said company shall have full power and authority to lay out, construct and complete, an iron Railway, from the village of Merrickville to the village of Westport in the township of North Crosby, with full powers to pass over any portion of the country between the points aforesaid, and to carry the said railway through the Crown lands lying between the points aforesaid, and have full power to diverge from the straight line on either side to the extent of ten miles, in order to touch any of the villages along or adjoining said route, and to cross the Brockville and Ottawa Railway, at or near Irish Creek Station.

Location of railway.

4. The said Hiram Easton, Samuel Jakes, George A. Montgomery, William H. Magee, Edward Erratt, Amos Robinson, John K. Weir, Henry Easton, David Mosher, Jesse Miner, Hiram McCrea, Alfred Lander, David R. Read, S. S. Cornell, S. S. Scovill, C. Chapman, William H. Fredenburgh, John Chaffey, John Draffin, A. W. Bell, John Kilborn, with power to add to their number, shall be and are hereby constituted provisional directors of the said company, and shall hold office as such until other directors shall be elected under the provisions of this Act

Provisional directors.

by

*

Their powers. by the shareholders; and shall have power and authority, immediately after the passing of this Act, to open stock-books and procure subscriptions for the undertaking; to make calls upon the subscribers; to cause surveys and plans to be made and executed; and as hereinafter provided, to call a general meeting of the shareholders for the election of directors; and with all such other powers as, under the Railway Act, are vested in ordinary directors.

Capital stock. **5.** The capital stock of the company hereby incorporated shall be two hundred thousand dollars, with power to increase the same in the manner provided by the Railway Act, to be divided into shares of fifty dollars each, which amount shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and all the remainder of such money shall be applied to purchasing the right of way, to the equipment and completion of the said railway, and the other purposes of the Act, and to no other purpose whatever.

Application of the money raised on the stock.

Municipalities may aid the company. **6.** And it shall further be lawful for any municipality or municipalities, through any part of which or near which, the railway or works of said company shall pass or be situated, to aid or assist the said company by loaning or guaranteeing, or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company, and otherwise in such manner and to such extent as such municipalities, or any of them, shall think expedient: Provided always, that such aid, loan, bonus, or guarantee shall be given under a by-law for the purpose, to be passed in conformity with the provisions of the Act respecting Municipal Institutions, for the creation of debts; and all such by-laws so passed shall be valid, notwithstanding that such rate may exceed the aggregate rate of two cents in the dollar on the actual value of such ratable property: Provided that the annual rate of assessment shall not, in any case exceed, for all purposes, three cents in the dollar on the actual value of the whole ratable property within the municipality or portion of a municipality creating such debt.

Proviso.

Proviso.

If a portion of a municipality desire to aid, the council to pass a by-law, **7.** In case a majority of the persons rated on the last assessment roll as freeholders in any portion of a municipality, do petition the council of such municipality, defining the metes and bounds of the section of the municipality within which the property of the petitioners is situated, and expressing the desire of the said petitioners to aid in the construction of the said railway, by granting a bonus or donation to the said company for this purpose, and stating the amount which they

so desire to give and grant and to be assessed therefor, the council of such municipality shall pass a by-law;

(1.) For raising the amount so petitioned for by the free-holders in such portion of the municipality, by the issue of debentures of the municipality, payable within twenty years or earlier, and for the payment to the said company of the amount of the said bonus or donation, at the time and on the terms specified in the said petition; for issuing debentures;

(2.) For assessing and levying upon all the ratable property lying within the section defined by the said petition, an annual special rate sufficient to include a sinking fund for the repayment of debentures, with the interest thereon; which municipal councils are hereby authorized to execute and issue in such cases respectively; Provided the said by-law shall be approved of, as in sections two hundred and twenty-six, two hundred and twenty-seven, and two hundred and twenty-eight of the Municipal Act, of one thousand eight hundred and sixty-six, chaptered fifty-one, by the majority of qualified electors in the portion of a municipality petitioning as aforesaid. for assessing and levying rate.

8. Whenever any municipality or portion of a municipality shall grant a bonus to aid the making, equipment and completion of said railway, it shall be lawful for said company to enter into a valid agreement with such municipality, binding the said company to expend the whole or part of such bonus upon works of construction within the limits of the municipality granting the same. Expenditure of bonuses.

9. Whenever any municipality or portion of a municipality shall grant a bonus to aid the said company in the making, equipping and completion of the said railway, the debentures therefor may, at the option of the said municipality, within six weeks after the passing of the by-law authorizing the same, be delivered to three trustees, to be named, one by the municipality granting the same, one by the said company, and one by the Lieutenant-Governor in Council, all the trustees to be residents of the Province of Ontario; and in the event of the Lieutenant-Governor neglecting to appoint the said trustee within one month after a notice in writing of the other two being appointed, then the said company and said municipality shall appoint the said other trustee. Appointment of Trustees.

10. Any trustee appointed may be removed, and in such case, or in case of death or resignation, a new trustee may be appointed in his place at any time, by the consent of the said municipality, the Lieutenant-Governor and the said company. Vacancies in the office of trustees.

11. The said trustees shall receive the said debentures in trust; firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in Trusts on which the debentures are to be held.

some of the chartered banks having an office in the town of Brockville, in the name of "the Merrickville and Westport Railway Company Municipal Trust Account," and to pay the same out to the said company, from time to time, on the certificate of the chief engineer of the said railway, in the form set out in Schedule "A" hereto, or to the like effect.

Act of two trustees to be binding.

12. The act of any two of such trustees to be as valid and binding as if the three had agreed.

General meeting for election of directors.

13. So soon as one-fifth part of the capital stock shall have been subscribed as aforesaid, and twenty per centum paid thereon and deposited in one of the chartered banks at Brockville for the purposes of the said company, the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up twenty per centum thereof, for the purpose of electing directors of the said company.

Provisional directors neglecting to call the general meeting.

14. In case the provisional directors neglect to call such meeting for the space of three months after such amount of capital stock shall have been subscribed, and twenty per centum thereof so paid up, the same may be called by any five of said stockholders who shall have paid up twenty per centum, and who are subscribers among them for not less than five hundred dollars of the said capital stock, and who have paid up all calls thereon.

Notice of general meeting.

15. In either case notice of the time and place of holding such general meeting shall be given by publication in two papers published within the United Counties of Leeds and Grenville, and in the *Ontario Gazette*, once in each week for the space of at least one month.

Election of directors.

16. At such general meeting the subscribers for the Capital Stock assembled, who shall have so paid up twenty per centum thereof, with such proxies as may be present, shall choose nine persons to be the directors of the said company; and may also make or pass such rules and regulations and by-laws as may be deemed expedient provided they be not inconsistent with this Act.

By-laws, etc.

Qualification of directors.

17. No person shall be qualified to be elected as such director by the shareholders unless he represents at least ten shares in the company, and unless all calls thereon have been paid.

Annual meetings.

18. Thereafter the general annual meeting of the shareholders of the said company shall be held wherever the by-laws of said company may direct, after at least fourteen days' notice has been given in two papers published within the Counties and in the *Ontario Gazette*.

19. Special general meetings of the shareholders of the said company may be held as the said by-laws may direct. Special meetings.

20. The directors of the said company after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, but limited to the terms of this Act, shall have power to issue bonds made and signed by the President or Vice-President of the said company, countersigned by the Secretary and Treasurer and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall without registration or formal conveyance be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the company real and personal and then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata*, with all the other holders thereof upon the undertaking and the property of the company as aforesaid; Provided however, that the aggregate amount of such bonds shall at no time exceed the amount of the paid up instalments on its share capital, together with the amount of paid up municipal and other bonuses, and which have been actually expended in surveys and in works of construction upon the line; And provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders, provided that the bonds and any transfer thereof shall have been first registered in the same manner as is provided for the registration of shares. Issue of bonds.
Proviso.
Proviso.

21. All such bonds, debentures, mortgages, and other securities and coupons and interest warrants thereon respectively may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer may sue at law thereon in his own name. Securities may be payable to bearer.

22. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shown; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange; nor shall the president or vice-president, or the secretary and treasurer be individually responsible for the same, unless the said promissory notes or bills Company may make promissory notes, etc.

- Proviso.** bills of exchange have been issued without the sanction and authority of the board of directors, as herein provided and enacted; Provided however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.
- Scale of votes.** **23.** Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him.
- Quorum of directors.** **24.** Any meeting of the directors of the said company regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors.
- Representation of stock held by corporations.** **25.** At all meetings of the company the stock held by municipal and other corporations may be represented by such person as they shall respectively have appointed in that behalf by by-law; and such persons shall at such meetings, be entitled equally with other shareholders to vote by proxy; and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock held by such shareholders shall have been paid up at least one week before the day appointed for such meeting.
- Only shareholders who have paid up to vote.**
- Calls upon shares.** **26.** The directors may at any time call upon the shareholders for such instalments upon each share which they or any of them may hold in the capital stock of the said company, and in such proportion as they may see fit; except that no such instalment shall exceed ten per centum of the subscribed capital, and that thirty days' notice of each call shall be given in such manner as the directors shall think fit.
- Conveyances to company,** **27.** Conveyances of lands to the said company for the purposes of this Act, may be made in the form set out in the Schedule "B" hereunder written, or to the like effect; and such conveyance shall be registered by duplicates thereof, in such manner and upon such proof of execution as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificate endorsed on the duplicate thereof.
- how registered.**
- Gauge of railway.** **28.** The gauge of the said railway shall not be less than three feet six inches.
- Agreements with other railways.** **29.** It shall be lawful for the said company to enter into any agreement with any other railway company for selling, leasing or hiring this road, or any part thereof; or for buying, leasing or hiring from such other company any railway; or part thereof, or any locomotives, tenders or moveable property

perty; and generally to make any agreement or agreements with such other company for the amalgamation or use of one or the other, or by both companies of the railway, or moveable property of either, or of both or any part thereof; or for any service to be rendered by the one company to the other, and the compensation therefor; and every such agreement shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof; and in case of sale or lease, any company buying or leasing the same, shall be and is hereby empowered to exercise all the rights and privileges in this charter conferred; ^{Provido.} Provided always, that before any such agreement for the sale, lease, hiring or amalgamation as aforesaid shall be binding, it shall be ratified by a vote of at least two-thirds of all the stockholders legally entitled to vote.

30. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, the company may purchase, hold, use or enjoy such lands, and also the right of way thereto if the same be separated from their railway; and to sell and convey the same, or parts thereof, from time to time, as they may deem expedient; and may also make use of, for the purposes of the said railway, the water of any stream or watercourse over or near which the said railway passes, doing however, no unnecessary damage thereto, and not impairing the usefulness of such stream or watercourse. ^{Company may use land for gravel pits; and streams.}

31. The said railway shall be commenced within two years, and completed within seven years after the passing of this Act, or else all rights and privileges conferred upon the said railway by this Act shall be forfeited. ^{Commencement and completion of railway.}

SCHEDULE "A."

Chief Engineer's Certificate.

The Merrickville and Westport Railway Company's Office,
Engineer's Department, A. D. 18 .
No.....

Certificate to be attached to cheques drawn on the Merrickville and Westport Municipal Trust Account, and given under section , of cap. , 34 Vic.

I, _____ Chief Engineer for the Merrickville and Westport Railway, do hereby certify that there has been expended in construction of mile No. _____, the said mileage being numbered consecutively from _____, the sum of _____ dollars to date, and that the total amount due for the same, from the said Municipal

cipal Trust Account, amounts to the sum of
 dollars, which said sum of dollars is
 now due and payable, as provided under said Act.

SCHEDULE "B."

Know all men by these presents that I (or we) (*insert also the name of wife or any other person who may be a party*) in consideration of dollars, paid to me (*or as the case may be*) by the Merrickville and Westport Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I, the said do grant and release, or do bar my dower in (*as the case may be*) all that certain parcel (*or*) those certain parcels (*as the case may be*) of land situate (*describe the land*), the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said the Merrickville and Westport Railway Company, their successors and assigns.

As witness my (*or our*) hand and seal (*or hands and seals*) this day of one thousand eight hundred and

Signed and delivered in the presence of } [L. S.]

CAP. XLV.

An Act to incorporate the Brockville and Westport Railway Company.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS it is desirable that a railway should be constructed from the town of Brockville to Westport, in the township of North Crosby, and the persons hereinafter mentioned having petitioned to be incorporated for that purpose, it is expedient to grant the prayer of such petition; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. Jacob Dockstader Buell, Stafford McBratney, Samuel McNish, James William Brereton Rivers, Sidney Alden Taplin, Edward Moles, William Plumsteel, James Moulton, Ernestus Chester Sliter, Henry Green, Samuel Southmayd Scovil, Stephen Seaman, James Denny, William Hartwell Fredenburgh, Declon Foley, Richard Preston, John Draffin, Rufus Brown, Isaac

Isaac Alguire, William Bell, Walter Henderson Denaut, Harry Abbott, Robert Fitzsimmons, Allan Turner, Herbert Chilion Jones, Albert Norton Richards, and Benjamin Tett, together with such persons and corporations as shall, in pursuance of this Act, become shareholders of the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of "The Brockville and Westport Railway Company."

Corporate
name.

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada, and amendments, with respect to the first, second, third, fourth, fifth, and sixth clauses thereof, and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "action for indemnity, and fines and penalties and their prosecution," "by-laws, notices, &c." "working of the railway," and "general provisions" shall be incorporated with, and be deemed to be part of, this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act, so incorporated with this Act as aforesaid.

Certain
clauses of the
Railway Act
to apply.

Interpretation
of words
"this Act."

3. The said company hereby incorporated, and their servants and agents, shall have full power under this Act to construct a railway from any point in the town of Brockville, or on the line of the Brockville and Ottawa Railway, or the Grand Trunk Railway of Canada, through all or any of the townships of Elizabethtown, Kitley, Front of Yonge, Rear of Yonge and Escott, Rear of Leeds and Lansdowne, Bastard and Burgess, South Crosby and North Crosby, to the village of Westport, or any other point in the said last-mentioned township, together with a branch from the main line to the river St. Lawrence in the town of Brockville, with full power to pass over any portion of the country between the points aforesaid through all or any of the said townships or town as may be determined upon, and to carry the railway through the Crown lands, if any, between the same, and with power, by the consent of the Brockville and Ottawa Railway Company, to lay down one or more tracks on the land of that company to the river St. Lawrence, and to use the same and the tracks, switches, depot grounds, locomotive house, station houses, warehouses, and other premises and works of that company, and to enter into an agreement with that company to compensate them for the same, and also with power, by the consent of the Grand Trunk Railway Company of Canada, to lay down one or more tracks on the land of that company and to use the same, together with the station buildings

Construction
of railway.

dings, locomotive house, warehouses and other premises in Elizabethtown or Brockville, and to enter into an agreement to compensate that company therefor, and also with power to construct one or more telegraph lines on their own land, or on the land of the said other companies or either of them with their consent, and work the same for the use of the company, or to enter into an agreement with any telegraph company to use their line, or to allow them to construct a line on the land of the company to be used by the company or otherwise as may be agreed upon.

Powers as to
steamboats
and vessels.

4. The said company shall have power to purchase, build, complete, fit out and charter, sell or dispose of, work and control and keep in repair steam or other vessels to ply on the Rideau Canal waters and on the River Saint Lawrence within the Province of Ontario in connection with the said railway, and also to make arrangements and agreements with steamboat proprietors to run steamers or other vessels on the said Rideau Canal waters or the River Saint Lawrence within the Province of Ontario.

Gauge of
railway.

5. The gauge of the said railway shall not be less than three feet, but shall be otherwise in the discretion of the company.

Conveyances
of lands.

6. Conveyances of lands to the said company for the purpose of this Act may be made in the form set out in the schedule hereunder written, or to the like effect; and such conveyances shall be received by the registrar and be registered by duplicates thereof, and upon such proof of execution as is or may be required under the Registry Laws of Ontario; and the Registrar shall not be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicates; and no greater sum than fifty cents shall be paid to the registrar for a general search into the title of any of such lands.

How register-
ed.

Searches.

Provisional
directors.

7. From and after the passing of this Act the said Jacob Dockstader Buell, Stafford McBratney, Samuel McNish, James William Brereton Rivers, Sidney Alden Taplin, Edward Moles, William Plumsteel, James Moulton, Ernestus Chester Sliter, Henry Green, Samuel Southmayd Scovil, Stephen Seaman, James Denny, William Hartwell Fredenburgh, Declon Foley, Richard Preston, John Draffin, Rufus Brown, Isaac Alguire, William Bell, Walter Henderson Denaut, Harry Abbott, Robert Fitzsimmons, Allan Turner, Herbert Chilion Jones, Albert Norton Richards, and Benjamin Tett, shall be provisional directors of the said company.

Powers of pro-
visional direc-
tors.

8. The said provisional directors, until others shall be named as hereinafter provided, shall constitute the board of directors

directors of the company, with power to fill vacancies occurring thereon; to associate with themselves thereon not more than two other persons, who upon being so named shall become and be directors of the company equally with themselves; to open stock books and procure subscriptions of stock for the undertaking; to make a call upon the shares subscribed therein; to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided, and with all such other powers as under the Railway Act are vested in such boards.

The said directors or a majority of them may in their discretion exclude any person from subscribing who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if more than the whole stock shall have been subscribed, the said provisional directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if in their judgment this will best secure the building of the said railway.

Provisional directors may exclude certain persons from subscribing.

9. The capital of the company hereby incorporated shall be five hundred thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided into ten thousand shares of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment and completion of the said railway, and for no other purpose whatsoever; and until such preliminary expenses shall be paid out of the capital stock, the municipality of the town of Brockville, and of any township or union of townships on the line of such works, may pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall afterwards be refunded such municipality from the capital stock of the company, or be allowed to it in payment of stock; and all grants heretofore made by any municipal council for such expenses, are hereby confirmed; and it shall further be lawful for all or any of the municipalities aforesaid, or for any other municipality or municipalities in the counties of Leeds, Frontenac or Lanark, to aid and assist the said company by loaning or giving money by way of bonuses, or other means, to the company, or issuing municipal bonds to or in aid of the company and otherwise, in such manner and to such extent as such municipalities, or any of them, shall think expedient: Provided always, that no such aid, loan or bonuses shall be given, except after the passing of the by-laws for the purpose.

Capital stock of the Company.

Preliminary expenses.

Certain municipalities may aid the company.

Provide.

purpose, and the adoption of such by-laws by the rate-payers, as provided in the Municipal Acts.

If a portion of a municipality desire to aid, council to pass a by-law,

10. In case the majority of the persons rated on the last assessment roll as freeholders, as may be qualified voters under the Municipal Act, in any portion of a municipality, do petition the council of such municipality to pass a by-law as hereinafter set out, such petition to define the metes and bounds of the section of the municipality within which the property of the petitioners is situated, and expressing the desire of the said petitioners to aid the construction of the said railway by loaning or giving money, by way of bonuses or other means, (not defining which), and stating the amounts which they so desire to loan or grant and to be assessed therefor, the council of such municipality shall pass a by-law, provided the said by-law shall be approved of by the majority of the qualified votes in the portion of the municipality petitioning as aforesaid, in the manner required by the Municipal Act;

for issuing debentures,

(1.) For raising the amount so petitioned for, by such freeholders in such portion of the municipality, by the issue of debentures of the municipality payable in twenty years, and for the delivery as may be then or afterwards agreed upon between the company and the municipality on behalf of such part thereof granting aid to said company of the debentures for the amount of the said loan or bonus;

for assessing and levying an annual special rate.

(2.) For assessing and levying upon all the ratable property lying within the section so defined by said petition, an equal annual special rate, sufficient to include a sinking fund for the payment of the debentures with interest thereon; said interest to be payable yearly or half yearly, which debentures the municipal councils and the Reeves and other officers thereof, are hereby authorized and required to execute and issue in such cases respectively.

Municipal Acts to apply to by-laws.

11. The provisions of the municipal Acts shall apply to any loan or bonus so made or granted, or by-law so passed by or for a portion of a municipality.

Council of Leeds and Grenville may exchange their debentures with the townships.

12. The county council of the united counties of Leeds and Grenville shall be at liberty to take the debentures issued by any township municipality in the said united counties, and in exchange therefor to issue and hand over to the said township municipality the debentures of the county, on a resolution being passed to that effect by a majority of the said county council.

Agreements between municipalities and company

13. Whenever any municipality or part of a municipality shall make a loan or grant a bonus to aid the said company in the making, equipment, and completion of the said railway, the provisional

visional or elected directors may make an agreement on the part of the said company with the said municipalities touching the manner of depositing the said debentures in the hands of some third party for the benefit of the company, their conversion into cash, and the delivery of the said cash or the debentures themselves to the company, as the work progresses, and otherwise concerning the manner of the said aid reaching the company as may seem meet, and also, as to whether the aid shall be a bonus or a loan or part of each.

14. As soon as shares to the amount of fifty thousand dollars of the capital stock of the said company shall have been subscribed and ten per centum thereof paid into some chartered bank, having an office in the town of Brockville (which shall on no account be withdrawn therefrom unless for the service of the company), the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum thereof, for the purpose of electing directors of the said company.

General meeting for election of directors.

15. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five subscribers who have so paid up ten per centum, and who are subscribers among themselves, for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon. In either case notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in one newspaper published in the town of Brockville once in each week, for the space of at least one month, and such meeting shall be held in the town of Brockville at such place therein, and on such day as may be named by such notice.

How meeting may be called if the provisional directors neglect to call the same.

Notice of general meeting.

16. At such general meeting the subscribers for the capital stock assembled who shall have so paid up ten per centum thereof with such proxies as may be present, shall choose five persons to be directors of the company; and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Election of directors.

17. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the town of Brockville, and on such days and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least thirty days previously in the *Ontario Gazette*, and in one or more newspapers published in the town of Brockville.

Qualification of directors.

Annual meetings.

Special general meetings.

18. Special general meetings of the stockholders of the said company may be held at such places in the town of Brockville, and at such times and in such manner, and for such purposes as may be provided by the by-laws of the said company.

Issue of bonds.

19. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, but limited to the terms of this Act, shall have power to issue bonds made and signed by the President or Vice-president of the said company, and countersigned by the Secretary and Treasurer (who may be the same person) and under the seal of the said company, to be called first class bonds for the purpose of raising money for prosecuting the said undertaking; and such bonds shall without registration or formal conveyance be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the company, real and personal, and then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the company as aforesaid; Provided however, that the whole amount of such issue of bonds shall not exceed in all the sum of two hundred and fifty thousand dollars, nor shall the amount of such bonds issued at any one time be in excess of the amount of the paid up instalments on its share capital together with the amount of paid up municipal and other loans and bonuses, and which have been actually expended in surveys and in works of construction upon the line; And provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders; provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; such registration not to affect the right to transfer the same by delivery.

Proviso.

Securities may be made payable to bearer.

20. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively may be made payable to bearer and transferable by delivery, unless registered as hereinafter provided; and any holder of any such so made payable to bearer, if not so registered, may sue at law thereon in his own name, but directors shall have power to pass by-laws for the purpose of providing for registration of such bonds, debentures and other securities, and coupons and interest warrants; and thereafter any holder of such may cause the same to be registered, after which the same shall only be assignable, pursuant to the terms of such by-laws, (which shall not be changed or repealed without the assent of such registered holder

Registration of securities.

holder,) and the registered holder, or his personal representative only, shall thereafter be entitled to sue thereon.

21. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed, or any such bill of exchange drawn, accepted, or endorsed by the president or vice-president of the company and counter-signed by the secretary and treasurer, (who may be the same person) of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange; nor shall the president or vice-president, or the secretary and treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors as herein provided and enacted: *Provided* however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Company may make promissory notes, etc.

Proviso.

22. Every holder of one or more shares of the said capital stock shall at any meeting of the shareholders, when entitled to vote, have one vote for every share held by him; and every bond holder, when entitled to vote, shall have one vote for every fifty dollars of bonds held by him.

Scale of votes.

23. At all meetings of the company, the stock held by municipal and other corporations may be represented by such person as they shall respectively have appointed in that behalf by by-law; and such person shall, at such meeting, be entitled equally with other shareholders to vote by proxy; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock held by such shareholder shall have been paid up at least one week before the day appointed for such meeting.

How stock held by corporations to be represented.

24. Any meeting of the directors of the said company, regularly summoned, at which not less than a majority of the provisional directors or three of the elected directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors.

Majority of directors may act.

25. On the subscription for shares of the said capital stock, or within ten days thereafter, each subscriber shall pay to the directors, for the purposes set out in this Act, ten per centum of the amount subscribed by him, and the said directors

Ten per cent. of the stock to be paid up.

directors

rectors shall deposit the same in some chartered bank to the credit of the said company.

Future calls.

26. Thereafter calls may be made by the directors for the time being as they shall see fit; provided that no calls shall be made at any one time of more than twenty per centum of the amount subscribed by each subscriber.

Land for stations gravel pits, etc.

27. Whenever it shall be necessary, for the purpose of procuring sufficient lands for stations or gravel-pits, or way thereto, or for constructing, maintaining and using the said railway, it is enacted that the said company may hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and to sell and convey the same, or parts thereof, from time to time, as they may deem expedient, and for the purpose of attaining, constructing and maintaining the same, all the provisions of this Act shall be applicable.

Third class bonds.

28. In case it should have been agreed upon by and between the company and the municipalities and parts of municipalities granting aid to the company, that the same should be a loan instead of a bonus, then the company shall, from time to time (if they do not issue second-class stock, as hereinafter provided), issue their bonds, to be called third-class bonds, made and signed as the first-class bonds of the company, and deliver the same to the said municipalities, from time to time, as the aid of the municipalities may be received by the company; and such third-class bonds shall be payable to the said municipalities respectively, out of the net revenues of the railway; and shall not be assignable, and shall be subordinate to and postponed to the first-class bonds and the paid-up stock of the company; but they shall rank and be a lien upon the net revenues of the undertaking immediately after the retention therefrom by the company of a sum equal to ten per centum per annum, on the amount of the first-class bonds and the stock paid up, which is to be applied towards payment of interest on said bonds and dividends on said stock; and no action at law shall be maintainable on any such third-class bonds.

Second-class stock.

29. The company may, in their option, instead of issuing such third-class bonds, convert its stock into first and second-class; such second-class stock to be equal to the amount of the aid of said municipalities or parts of municipalities; and from time to time, as may be agreed upon, the company may issue to the said municipalities or parts of municipalities, scrip certificates of paid up second-class stock (which shall not be assignable) equal in amount to the advance of the aid from time to time, to the company; and such second-class stock, as soon as issued, shall rank on the net revenue of the railway next after the retention therefrom of a sum equal to ten per centum

centum per annum on the amount of the first-class stock and the first-class bonds, to be applied in payment of interest on said first-class bonds, and dividends on said first-class stock; and no dividends shall be paid on such second-class stock until after the said retention, as aforesaid; the residue of the net revenue shall be paid to the second-class stockholders or third-class bondholders, provided that such last mentioned payments shall not exceed the annual payments of interest to be paid on the debentures issued by the municipalities, and in case there be any residue of revenue thereafter, the same shall be paid to the first-class stockholders.

30. The amount of first class bonds and first class stock, or of such stock in case there be not any of such bonds issued, which shall rank before the third class bonds, or second class stock shall not exceed such a sum as when added to the aid of the municipalities or parts of municipalities, and bonuses from other sources shall amount to the sum of six hundred thousand dollars; but the company may with the consent of the said municipalities and parts of municipalities so aiding the railway, sell paid up first class stock at not less than ten per centum discount, to any sum not exceeding the whole capital stock of the company, for the purpose of completing the undertaking; and the company shall at any time be at liberty to cancel the third class bonds or second class stock, by paying to the said municipalities, or parts of municipalities, respectively, the interest on the several amounts of their aid to the railway, from the time of their paying the same on the said debentures, and paying them a sum equal to three-fourths of the aid granted to the company; and for such purpose the company may sell first-class paid up stock at not less than ten per centum discount to any amount not exceeding their capital; but for that purpose, they may, if necessary, increase their capital according to the provisions of the railway Act.

Amount of first-class bonds and first-class stock limited.

31. Whenever the third class bonds or second class stock issued to the municipalities or parts of municipalities shall amount to or exceed one hundred thousand dollars, and so long as the said municipalities shall not receive out of the said residue of said net revenues of the railway, sufficient to pay the interest on the debentures issued by them to aid the company, and until the same are cancelled as in this Act provided, the said municipalities and parts of municipalities shall at the annual election of directors elect one director of the said company, to be elected by a majority in amount of such bonds or second class stock holders; and the voting of the municipalities or parts of municipalities for such director shall be by the reeves thereof, or by such person as such reeves may authorize, and the first class stock holders and the first class bond holders, when entitled to vote, shall thereafter, so long as the municipalities and parts of municipalities are entitled to elect one director, elect four directors of the company; and in case of neglect of the municipalities to elect their director

Election by municipalities, of directors by third-class bond or second-class stock holders.

director at the time of the election of the said four directors, the said first class stock holders and such first class bond holders (when entitled to vote) may elect one in his stead.

Council of townships to represent portions of municipalities aiding.

32. Unless when otherwise expressly enacted, the municipal council of any township, part of which shall have granted aid to the said company shall for the purposes of working out this Act represent and act for such part of said municipality.

Rights of bond holders.

33. The holders of third class bonds or second class stock shall exercise no power or authority in the management of the railway beyond the election of their director; but all the other powers and authorities herein and in the Railway Act made a part of this Act to be exercised by stockholders, shall be exercised by the holders of the first class stock, and first class bond-holders when entitled to vote.

Municipalities may exempt property of company from taxation.

34. It shall be lawful for the corporation of any municipality, through any part of which the railway is to pass or is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, from municipal assessment or taxation for a term not exceeding twenty-one years, and any such municipality may assist said company by purchasing and granting to the said company the land for the right of way, station grounds, gravel pits and workshops in said municipality.

By-laws may be passed and debentures issued, etc., before election of directors.

35. That before the election of the directors by the shareholders, the necessary by-laws to grant such aid as aforesaid to the company may be passed, the debentures issued, and the agreement entered into between the company (by the provisional directors,) and the said municipalities, relative to depositing such debentures in the hands of some party, and as to the mode of their conversion into cash and the delivery of the said cash or the debentures themselves to the company, such agreement containing such other terms as may be agreed upon for the protection of both the municipalities and the company and the party or parties who may hold the debentures or money.

Municipalities may subscribe for stock under the Railway and Municipal Acts.

36. Nothing in this Act shall prevent any municipality from subscribing for stock of the company, pursuant to the Railway Act or Municipal Act.

Directors may allow subscribers to pay up stock in full,

37. The directors may, in their discretion, allow any subscriber of shares in the stock of the company to pay up the same or any part of the money due upon the same, whether called for or not, in land, labour, work or materials necessary for the Railway; and upon so much of the value of the said land, work, labour or materials, as may be paid in advance, or so much thereof from time to time as exceeds the amount of the calls then made upon the shares in respect to which such advance is made, the company may pay interest

and allow

terest at the legal rate of interest for the time being, as the interest there-
shareholder paying such sum in advance and the company may on.
agree upon, but such interest shall not be paid out of the capital
subscribed.

38. Any contract or agreement made by any party under the second sub-section of section eleven of the Railway Act may, if the said party see fit, stipulate that the land therein mentioned shall be paid for at the price agreed upon in stock, and the said party shall thereafter subscribe the number of shares sufficient to pay for said land, and in case possession of the said land is taken by the company, interest shall be allowed from such taking of possession on all amounts of the price of the land in excess of the calls then made on the stock subscribed.

Land may be
paid for in
stock.

39. For the purpose of constructing, working and protecting the telegraph lines constructed by the company under this Act, the powers conferred on telegraph companies by the Act intituled, "An Act respecting Electric Telegraph Companies," are hereby conferred upon the company, and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

Telegraph
lines.

40. It shall be lawful for the said company to enter into any agreement with the Brockville and Ottawa Railway Company for leasing the railway to be constructed under this Act, or any part thereof, or the use thereof at any time or times for any period not exceeding twenty-one years, to such other company, or for leasing, or hiring from such other company, any railway, or part thereof, or the use thereof, or for leasing or hiring any locomotives, tenders, or moveable property, and generally to make any agreement or agreements with such other company touching the use by one or the other or by both companies of the railway or moveable property of either, or of both, or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor; and every such agreement shall be valid and binding and shall be enforced by the courts of law according to the terms and tenor thereof; and any company accepting and executing such lease shall be, and hereby is empowered, to exercise all the rights and privileges in this charter conferred: Provided that any such agreement may be annulled by a vote of one-quarter in amount of the stockholders entitled to vote for directors, or by the municipalities and parts of municipalities granting aid to the company, or a majority of them in amount of said aid, as and whenever they do not receive out of the residue of the revenues of the railway as aforesaid, sufficient to pay the interest on their debentures issued as aforesaid unless three-fourths in amount of the stockholders, and the said municipalities and parts of municipalities shall have confirmed such agreement.

Agreements
with other
companies.

Provido.

Liability as to
the capital
stock.

41. The original subscribers, or any future transferor or transferee of the capital stock of the company, shall always be held personally liable to the company and to the creditors thereof, for all or any part of the sums unpaid on such shares by the transferor or original subscriber subscribed, and for all calls thereon, whether made before or after any such transfer; and in any action brought for the recovery of any call or calls upon such stock, the company may in the first instance sue the original subscriber or the person or persons to whom the same may have been transferred or all of them contemporaneously or otherwise, as the company may elect; and, failing to receive payment from any transferee, may in any action against the original subscriber or previous holder in addition to the unpaid calls on such stock, recover the costs of any previous actions in which the company may have recovered judgment against any other of the parties liable for such calls, or may recover the costs alone in case the calls have been recovered from such previous subscriber or holder.

Provision in
case the
revenues be
insufficient to
allow a reten-
tion of ten per
centum on
first-class
bonds and
first-class
stock.

42. In case it should happen that the net revenues of the railway will not in any year be sufficient to allow the retention thereof of a sum equal to ten per centum on the first class bonds and first class stock, the directors shall out of the net revenue in any other year or years, retain as well the ten per centum to be retained for that particular year, as enough to make up the deficiency of any previous year or years, so that before any of the net revenues of the railway are payable to the second class stock or third class bond-holders, there must have been retained thereout a sum or sum equal to the said ten per centum per annum on the amount of the said first class bonds or first class stock for every year from the first issue of the said first class bonds and the paying of calls on the first class stock.

Commence-
ment and com-
pletion of
railway.

43. The railway shall be commenced within two years, and shall be completed within five years, after the passing of this Act.

SCHEDULE.

KNOW ALL MEN BY THESE PRESENTS, that I (or we) *(insert also the name of wife or any other person who may be a party)*, in consideration of _____ dollars paid to me *(or as the case may be)* by the Brockville and Westport Railway Company, the receipt whereof is hereby acknowledged, do grant and convey *(and I, the said do grant and release, or bar my dower in as the case may be)* all that certain *(or those certain parcels, as the case may be)* of land, situate *(describe the land)*, the same having been selected and laid out by the said company for the purposes of their railway; to hold with the appurtenances unto the said Brockville and Westport Railway Company, their successors and assigns, for ever.

As

As witness, my (or our) hand and seal (or hands and seals),
 this day of , one thousand eight hun-
 dred and

Signed, sealed and }
 delivered in the }
 presence of }

[L. S.]

CAP. XLVI.

An Act to incorporate the Gananoque and Rideau
 Railway Company.

[Assented to 15th February, 1871.]

WHEREAS the parties firstly hereinafter named have peti- Preamble.
 tioned the Legislature for an Act of Incorporation to con-
 struct a railway from the Village of Gananoque on the River
 Saint Lawrence to the Grand Trunk Railway, and thence to
 the Village of Merrickville on the Rideau Canal, with a branch
 to the Village of Westport, and whereas it is expédient that
 the prayer of said petition shall be granted: Therefore Her
 Majesty, by and with the advice and consent of the Legislative
 Assembly of the Province of Ontario, enacts as follows:—

1. That Charles B. Chrysler, Samuel McCammon, David Incorporation.
 Ford Jones, Reuben P. Colton, William Byers, W. G. Matthews,
 Jesse Strenden, William Brough, Robert Byers, J. Skinner,
 Charles M. Parmeter, George Beaumont, Sylvester Skinner,
 A. Skinner, S. C. Skinner, William B. Carroll, John Ormiston,
 together with such other persons or corporation or corporations
 as shall, under the provisions of this Act, become shareholders
 in the company hereby incorporated, shall be and are hereby
 ordained, constituted and declared to be a body corporate and
 politic, by and under the name of the "Gananoque and Rideau Corporate
 Railway Company." name.

2. The several clauses of the Railway Act, with respect to Certain
 the first, second, third, fourth, fifth and sixth clauses thereof, clauses of Rail-
 and also the several clauses of the said Act with respect to "In- way Act in-
 terpretation," "Incorporation," "Powers," "Plans and Surveys," corporated
 "Lands and their valuation," "Highways and bridges," with this Act.
 "Fences," "Tolls," "General meetings," "President and di-
 rectors, their election and duties," "Calls," "Shares, and
 their transfer," "Municipalities," "Shareholders," "Actions
 for indemnity, and fines and penalties, and their prosecution,"
 "Notices, &c.," "Working of the Railway," and "General
 provisions," shall be incorporated with this Act; and the ex-
 pression "this Act," when used herein, shall be held and under- Interpretation
 stood to include the clauses incorporated with this Act, save of the words
 and "this Act." "this Act."

and except in so far as they are varied by any of the provisions of this Act.

Construction
of railway.

3. The company hereby incorporated, and their agents or servants, shall have full power and authority under this Act, to lay out, construct and finish a railway from such point within the limits of the village of Gananoque, on the river Saint Lawrence, as to the directors of the company may appear expedient; thence in the direction of the Grand Trunk Railway, so as to secure a favourable connection with the said railway, at some convenient point within the limits of the township of the front of Leeds and Lansdown; thence through the townships of the front of Leeds and Lansdown, the township of the rear of Leeds and Lansdown, the townships of South Crosby, the township of Bastard, the township of Ketley, the township of Wolford, to the village of Merrickville on the Rideau Canal in the township of Wolford, with a branch road to the village of Westport in the township of North Crosby, from such point in the township of South Crosby or Bastard, as may be deemed advisable; and the said company shall have power and authority to construct the same in different sections, in such order as they see fit, keeping in view the general direction as hereinbefore provided, and with full power to pass over any portion of the country between the points aforesaid, and to carry said railway through the Crown lands lying between the points aforesaid; and it shall and may be lawful for the said company to take and appropriate for the use of said railway, and the works connected therewith, but not to alienate, so much of the land covered with the waters of any river or stream, as may be necessary for the works of the said railway.

Gauge of railway.

4. The gauge of said railway shall be such as the directors in their discretion may determine upon, but not less than three feet, with power to lay down a third or more rails, as they may think proper.

Capital stock
\$250,000.

Shares \$50
each.

Expenses of
Act.

Preliminary
expenses.

5. The capital stock of the said company shall be two hundred and fifty thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided into five thousand shares of fifty dollars each, which amount shall be raised by the persons hereinbefore named, and such other persons and corporations as may become shareholders in the said stock; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the railway, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said railway, and other purposes of this Act; Provided always, that until the said preliminary expenses shall be paid out of the capital stock, it shall be lawful for the municipality of any county, town, village or township

township to pay out of the funds of such municipality, either by way of bonus or donation, or by way of loan to the said company, such preliminary expenses, or any part thereof, as to the council of such municipality may appear expedient; and in the case of a loan, any sum thus advanced shall be refunded to the municipality from the stock of the said company, or shall be allowed in payment of any stock or bonus which may be subscribed for by such municipality.

6. That Charles B. Chrysler, Samuel McCammon, David Ford Jones, Reuben P. Colton, William Byers, W. G. Matthews, Jesse Strenden, William Brough, Robert Byers, J. Skinner, Charles M. Parmeter, George Beaumont, Sylvester Skinner, shall be and are hereby constituted a board of provisional directors of the said company.

7. The said provisional directors, until others shall be named as hereinafter provided, shall constitute the board of directors of the company with power to fill vacancies occurring thereon; to associate with themselves thereon not more than two other persons, who upon being so named shall become and be directors of the company equally with themselves; to open stock books and procure subscriptions of stock for the undertaking; to make a call upon the shares subscribed therein; to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided; and with all such other powers as under the Railway Act are vested in such boards: the said directors or a majority of them may in their discretion exclude any person from subscribing who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if more than the whole stock shall have been subscribed, the said provisional directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if in their judgment this will best secure the building of the said railway.

8. As soon as shares to the amount of twenty-five thousand dollars of the capital stock of the said company shall have been subscribed, and ten per centum thereof paid into some chartered bank, having an office in the town of Brockville or in the city of Kingston (which shall on no account be withdrawn therefrom unless for the service of the company), the directors shall call a general meeting of the subscribers to the said capital stock who shall have so paid up ten per centum thereof, for the purpose of electing directors of the said company, giving at least one month's notice in two or more newspapers published in the county of Leeds, of the time and place of such meeting; and at such general meeting the shareholders present, either in person or by proxy, who shall

shall have paid ten per centum upon the stock subscribed by them, shall elect nine persons to be directors of the said company, in the manner and qualified as hereinafter provided; which said directors, together with the *ex-officio* directors under the Railway Act, shall constitute a board of directors, and shall hold office until the fourth Wednesday in January in the year following their election.

Nine persons to be elected.
Annual meeting.

9. On the said fourth Wednesday in January, and on the fourth Wednesday in January in each year thereafter, there shall be holden a general meeting of the shareholders of the said company, at which meeting the shareholders shall elect nine directors for the ensuing year in the manner and qualified as hereinafter provided, unless said number be increased or diminished as hereinafter mentioned; and public notice of such annual general meeting and election, and of the time and place at which such meeting shall be held, shall be published for at least one month before the day of election in two or more newspapers published in the county of Leeds; and all the elections for directors shall be by ballot; and the persons so elected, together with the *ex officio* directors under "The Railway Act," shall form the board of directors.

Public notice.

Election by ballot.

Changing the number of directors.

10. The said company shall have power to pass a by-law, at a general meeting of the stockholders called for the purpose, to increase or diminish the number of directors of said company; Provided that the said number of directors shall not be increased beyond sixteen or diminished to a less number than three.

Special general meetings.

11. Special general meetings of the shareholders of the said company may be held at such place, and at such times, and in such manner and for such purposes as may be provided by the by-laws of said company.

Qualification of directors.

12. In the elections of directors under this Act, no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the said company, upon which all the calls have been paid up.

Directors representing municipalities.

13. The provisional or other directors of the said company are hereby authorized to constitute the head of any municipality subscribing for stock or granting a bonus an *ex officio* director in said company, should the amount of aid granted by said municipality be sufficient in the discretion of said directors to entitle the said municipality to a representative on said board of directors.

Scale of votes.

14. In the election of directors under this Act, and in the transaction of all business at general shareholders meetings, each shareholder shall be entitled to vote either in person or by proxy, and shall be entitled to as many votes as he holds shares; but no shareholder shall be entitled to vote, in person
or

or by proxy, at any such meeting or at any special meeting of the shareholders of the said company, who shall not have paid at least ten per centum on each share held or owned by him or her in the capital stock of said company, and all calls due upon his or her stock at the time of such election or meeting.

15. At all meetings of the company, the stock held by municipal and other corporations may be represented by such person as they shall respectively have appointed in that behalf by by-law; and such persons shall, at such meeting, be entitled equally with other shareholders to vote by proxy. Representation of municipal corporations.

16. At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, five directors shall form a quorum for the transaction of business, unless the number necessary to constitute such quorum be increased or reduced by a by-law passed at a general meeting of the stockholders; and the said board of directors may employ one or more of their number as paid director or directors. Quorum of directors.

17. The said directors are hereby authorized and empowered to take all necessary steps for procuring subscriptions for shares in the stock books of the company from parties desirous of becoming shareholders in the said company, until the whole of the capital stock authorized by this Act shall have been taken up; and to make, execute, and deliver all such scrip and share certificates as to the said directors shall seem expedient. Subscriptions for shares.

18. The directors may at any time call upon the shareholders for instalments upon each share which they or any of them may hold in the capital stock of the said company, in such proportion as they may see fit; Provided that no such call or instalment shall exceed the sum of ten dollars per centum upon the amount subscribed for by the respective shareholders in the said company; and that the amount of any such calls in any one year shall not exceed fifty dollars per centum upon the stock so subscribed; Provided also, that upon the occasion of any person or corporation becoming a subscriber for stock in the said company, it shall and may be lawful for the provisional and other directors of the said company for the time being to demand and receive, to and for the use of the said company, the sum of ten dollars per centum upon the amount by such person or corporation respectively subscribed, and also the amount of such calls as shall have already been made payable in respect of the stock then already subscribed at the time of such person or corporation respectively subscribing for stock; and all persons subscribing to the capital stock of the said company shall be considered proprietors and partners in the same, but shall be liable only to the extent of their unpaid stock therein. Call on shares. Proviso. Proviso.

Shares trans-
ferable.

Liability of
shareholders
and trans-
ferees.

19. The shares of the capital stock of the said company shall be transferable, and may from time to time be transferred to others by the respective holders and owners thereof; Provided always, that the original subscribers, or any future transferor, and the transferee, shall be always held personally liable to the said company and to the creditors thereof for all or any part of the sums unpaid on such shares by the transferor or original subscriber subscribed, and for all calls thereon, whether made before or after any such transfer; and in any action brought for the recovery of any call or calls upon such stock, the said company may sue the original subscriber or the person or persons to whom the same may have been transferred as the said directors may elect; and failing to secure payment, may enter an action against, and may receive from the original subscriber any unpaid calls on such stock, together with the costs of any previous actions in which the company may have recovered judgment against any other of the parties liable for such calls.

Municipalities
may aid by
bonus.

Provided the
by-laws be
passed in con-
formity with
municipal Act.

20. And it shall further be lawful for any municipality through any part of which or near which the railway or works of said company shall pass or be situated to aid or assist the said company by loaning or guaranteeing or giving money by way of bonus or other means to the company; and by purchasing and granting to the said company the land for the right of way, station grounds, gravel pits and work shops and otherwise in such manner and to such extent as such municipal corporation or corporations or any of them may think expedient; or issuing municipal bonds to or in aid of the company or for all or any of the hereinbefore mentioned purposes, subject to such restrictions and conditions as may be mutually agreed on between such municipality and the directors of the railway; such directors and the council of such municipality being respectively authorized to make such agreements as may be necessary for the purpose; Provided always, that such aid, loan, bonus or guarantee shall be given under a by-law for the purpose, to be passed in conformity with the provisions of the Municipal Institutions Act of one thousand eight hundred and sixty-six, and chaptered fifty-one; and all such by-laws so passed shall be valid, notwithstanding that such rate may exceed the aggregate rate of two cents in the dollar on the actual value of such ratable property; Provided, that the annual rate of assessment shall not in any case exceed, for all purposes, three cents in the dollar on the assessed value of the whole ratable property within the municipality, or portion of a municipality, creating such debt.

Bonus may be
expended
within the
limits of the
municipality
granting the
same.

21. Whenever any municipality, or portion of a municipality, shall grant a bonus to aid the making, equipment and completion of said railway, it shall be lawful for said company to enter into a valid agreement with such municipality, binding said company to expend the whole of such bonus upon works of construction within the limits of the municipality granting the

the same, or upon such other portion of the works as may be agreed to by said municipality.

22. In case a majority of the persons rated on the last assessment roll as freeholders, in any portion of a town, township, or village municipality, do petition the council of such municipality, the said petition to define the metes and bounds of the section of the municipality within which the property of the petitioners is situated, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus or donation to the said company for this purpose, and stating the amount which they so desire to give and grant, and to be assessed therefor, the council of such municipality shall pass a by-law: If portion of municipality desire to aid, Council to pass a by-law, Provided Proviso. the said by-law shall be approved of as in sections two hundred and twenty-six, two hundred and twenty-seven and two hundred and twenty-eight of the Municipal Act of one thousand eight hundred and sixty-six, chaptered fifty-one, by the majority of qualified electors in the portion of the municipality petitioning as aforesaid;

(1.) For raising the amount so petitioned for by the freeholders in such portion of the municipality, by the issue of the debentures of the municipality, payable within twenty years, or sooner, and for the payment to the said company of the amount of said bonus or donation at the time and on the terms specified in said petition; for issuing debentures,

(2.) For assessing and levying upon all the ratable property lying within the section referred to by said petitioners an annual special rate sufficient to include a sinking fund for the repayment of debentures with the interest thereon, which municipal councils are hereby authorized to execute and issue in such cases respectively; and no by-law made in pursuance of the powers in this Act conferred shall be invalid merely by reason of any want of compliance with the said sections; for levying an annual special rate. Provided such by-laws shall have been approved of by a majority of the persons voting and qualified to vote on such by-law, and shall settle such sufficient and special rates in the manner required by said sections. Proviso.

23. Whenever any municipality or portion of a municipality shall grant a bonus or authorize the issue of bonds or debentures to aid the said company in the making, equipment and completion of the said railway, the debentures therefor, may, at the option of the municipality within six weeks after the passing of the by-laws authorizing the same, be delivered to three trustees, to be named one by the Lieutenant-Governor in council, one by the said company and one by the Warden of the united counties of Leeds and Grenville, said trustees to be residents in the united counties of Leeds and Grenville: Debentures to be held by trustees. Provided, that if the Lieutenant-Governor in council shall refuse or neglect to name such trustee within one month from notice to him in writing of the How trustees to be appointed Proviso. the

the appointment of the two trustees, the said company shall be at liberty to name one in the place of the one to have been named by the Lieutenant-Governor in council.

By-laws to aid may be passed and the debentures may be issued before the election of directors.

24. That before the election of the directors by the shareholders, the necessary by-laws to grant such aid as aforesaid to the company may be passed, the debentures issued, and the agreement entered into between the company (by the provisional directors) and the said municipalities, relative to depositing such debentures in the hands of some party, to be by him handed over to the trustees when appointed under this Act, and as to the mode of their conversion into cash and the delivery of the said cash or the debentures themselves to the company; such agreement containing such other terms as may be agreed upon for the protection of both the municipalities and the company and the party or parties who may hold the debentures or money.

Municipality may agree with company as to expenditure of bonus.

25. Any municipal corporation, which shall aid the company by grant of a bonus or otherwise, may, before the debentures or bonus for such aid shall be delivered to the said trustees, require from the directors for the time being, an agreement which shall specify the stipulations and conditions under which the moneys arising from the sale of the debentures or bonds issued by such corporation shall be applicable for the purposes of the railway; and when the said monies shall become payable, pursuant to such agreement, the same shall be paid by the trustees to the company, upon the certificate of the chief engineer of the railway, in the form of Schedule "B," of this Act; and the wrongfully granting any such certificate by such engineer shall be a misdemeanor, punishable by fine and imprisonment by any court of competent jurisdiction.

Appointment of new trustees.

26. Any trustee appointed may be removed, and a new trustee appointed in his place, at any time, by the consent of the Lieutenant-Governor in council, the said warden, and the said company.

Trusts on which the debentures are to be held.

27. The said trustees shall receive the said bonds, debentures or other securities, and any coupons or interest warrants attached thereto, in trust, firstly, to deposit the same and the interest thereon from time to time accruing, before the sale thereof, in any chartered bank having an office in the county of Leeds or city of Kingston, in the name of "The Gananoque and Rideau Railway Company Municipal Trust Fund Account," and upon notice to them to be given by the company, before the completion of the work to which the proceeds of any particular bonds or debentures shall be applicable, to convert such particular securities into money; secondly, to deposit the proceeds of such securities in the name of said account, and to pay the same to the company upon the certificate of the chief engineer, and such certificate shall be attached to the cheques drawn by the trustees; and thirdly, in the event of the non-

fulfilment

fulfilment of the agreement entered into between the company and any municipal corporation within the time limited, to return the said securities to such corporation: Provided that the company, if it so elect, having given notice of such, its election may upon the completion of any work in respect of which any bonds or debentures shall be applicable, demand and receive the said bonds or debentures from the trustees in lieu of the proceeds thereof. Proviso.

28. The act of any two such trustees to be as valid and binding as if the three had agreed. Act of two trustees to be binding.

29. It shall and may be lawful for the said company, their servants, agents, and workmen, to enter into and upon any lands of Her Majesty, or of any person or persons, body politic or corporate whatsoever, and to take and hold the same, for the purpose of procuring and taking gravel and ballast required for the constructing, maintaining or repairing the said railway and works thereunto belonging, whether such lands be delineated or set out in the plans or in the book of reference filed in pursuance of the provisions of "The Railway Act" or not; and to lay down a track and acquire the right of way from their main line of railway to the said gravel or ballast so required for the purposes of the company as aforesaid: Provided always, that the said company shall make compensation to the owner, or owners, of any such lands so taken or used, in the manner pointed out in the provisions of "The Railway Act," relating to lands and their valuation. Company may take lands for railway. Proviso.

30. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note or any such bill of exchange drawn or accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, shall be binding on the said company; and the said president, vice-president, or the secretary or treasurer shall not be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the board of directors, as herein provided and enacted; Provided however, that nothing in this section shall be construed to authorize the said company to issue notes or bills of exchange payable to bearer intended to be circulated as money or as the notes or bills of a bank. Company may make promissory notes, etc. Proviso.

31. It shall be lawful for the directors of the said company for the time being, to make, execute and deliver all such bonds, debentures, mortgages or other securities as to the said directors for the time being shall from time to time seem most expedient, for raising the necessary capital for the time being authorized to be raised by the said company, or for raising any part thereof; the said bonds, debentures and mortgages not to exceed Directors may issue bonds.

exceed in amount the paid up stock of the company, and the municipal or other bonuses expended upon such railway; and all such bonds, debentures, mortgages or other securities shall without registration or formal conveyance be taken to be the first and preferential claims and charges upon the undertaking and the property of the company, real and personal, then existing and at any time thereafter acquired; and each holder of the said securities shall be deemed a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon all property of the company aforesaid; Provided that the company may issue bonds or debentures for any sum hereby authorized in such manner and form as to constitute the same a first mortgage or charge upon any portion of said railway.

Proviso.

Bonds, &c., to be executed by President and countersigned.

Proviso.

Form of conveyances.

Registration of conveyances.

Agreements with other companies.

32. All bonds, debentures and other securities shall be executed by the president for the time being of the company, and countersigned by the secretary, and may be made payable to bearer; and all such bonds, debentures and other securities of the said company, and all dividends and interest warrants thereon respectively, which shall purport to be payable to bearer, shall be assignable at law by delivery; and may be sued on and enforced by the respective bearers and owners thereof for the time being, in their names; Provided always that no such debentures shall be issued for an amount less than one hundred dollars.

33. Deeds and conveyances under this Act for the lands to be conveyed to the said company for the purposes of the Act, shall and may, as far as the title to the said lands or circumstances of the parties making such conveyance will admit, be made in the form given in the Schedule to this Act marked "A" and all Registrars are hereby required to register in the Registry books such deeds on the production thereof and proof of execution, without any memorial, and to minute every such entry on the deed; the said company are to pay the Registrar for so doing the sum of two shillings and six-pence, and no more.

34. It shall be lawful for the said company to enter into any agreement with any other railway company in the Dominion of Canada for leasing the said railway or any part thereof, or the use thereof at any time or times, or for any period to such other company; or for leasing or hiring from such other company any railway or part thereof, or for the use thereof; or for the leasing or hiring any locomotives, tenders or moveable property; and generally to make any agreement or agreements with any such other company touching the use by one or the other, or by both companies, of the railway or moveable property of either or of both, or of any part thereof; or touching any service to be rendered by the one company or the other, and the compensation therefor; or such other railway company may agree for the loan of its credit to, or may subscribe to, and become

become the owner of the stock of the railway company hereby created, in like manner and with like rights as individuals, but in so far only as the powers hereby conferred may be construed to have reference to any act, deed, matter or thing to be done, executed, fulfilled or performed within the limits of the Province of Ontario to the other, and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof; and any company or individual accepting and executing such lease shall be and is empowered to exercise all the rights and privileges in the charter conferred.

35. The said company shall have power to purchase, build, complete, fit out and charter, sell or dispose of, work and control and keep in repair steam or other vessels, to ply on the Rideau Canal waters and on the River Saint Lawrence, in connection with the said railway; and also to make arrangements and agreements with steamboat proprietors to run steamers or other vessels on the said Rideau Canal waters or the River Saint Lawrence.

Powers as to
steamboats
and vessels.

SCHEDULE "A."

KNOW ALL MEN BY THESE PRESENTS that I (*insert the name of the wife also, if she is to release her dower, or for any other purpose to join the conveyance*), in consideration of

paid to me (*or as the case may be*) by the Gananoque and Rideau Railway Company, the receipt whereof is hereby acknowledged, do hereby grant, sell and confirm unto the said the Gananoque and Rideau Railway Company, their successors and assigns, all that certain parcel of land being and composed of (*describe the land*), to have and to hold the said land and premises, together with everything appertaining thereto, to the said the Gananoque and Rideau Railway Company, their successors and assigns, forever (*if dower released, add*), and I (*name the wife*) release my dower in the premises.

Witness hand and seal, this day of
, one thousand eight hundred and .

Signed, sealed and delivered }
in presence of }

[L.S.]

SCHEDULE "B."

CHIEF ENGINEER'S CERTIFICATE.

GANANOQUE AND RIDEAU RAILWAY COMPANY.

I, A. B., chief engineer for the Gananoque and Rideau Railway Company, do hereby certify that the said Company has fulfilled

fulfilled the terms and conditions specified in the agreement, dated the _____ day of _____, between the Corporation of _____ and the said Company, that is to say *(here set out the terms and conditions which have been fulfilled)*, and that pursuant to said agreement the said Company is entitled to receive from the said trust the sum of _____

Chief Engineer.

CAP. XLVII.

An Act to incorporate the Pembroke and Ottawa Railway Company.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS it is expedient to incorporate a company for the construction of a railway from the Town of Pembroke to Sand Point in the Township of McNab in the County of Renfrew: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. William Moffat, Esquire, John Bell, John Dunlap, lumber merchants, Thomas Deacon, Esquire, Michael O'Meara and William Murray, merchants, all of the Town of Pembroke; and Alexander Fraser and James Findlay, of the Township of Westmeath, in the County of Renfrew, lumber merchants, Richard White, John Doran and Peter White, of Pembroke, together with such other persons or corporations as shall under the provisions of this Act, become shareholders in the company hereby incorporated, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, by and under the name of "The Pembroke and Ottawa Railway Company."

Corporate name.

Certain clauses of the Railway Act to apply.

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada, and the amendments thereto, shall be incorporated with this Act, except in so far as they are inconsistent with or varied by this Act; and the expression "this Act," when used herein, shall be held and understood to include the said clauses as incorporated with this Act.

Gauge and location of railway.

3. The company shall have power to lay out, construct and maintain a railway, with wood or iron rails, of not less than three feet six inches gauge, from any point within the limits of the Town of Pembroke to some point in the Township of Horton, at or near Sand Point, in the said Township.

Lands for stations, etc.

4. The company shall have power to acquire lands and water lot property within the Town of Pembroke, not to exceed _____ in

in all ten acres, and to acquire at such other points or stations on the said line of railway as may be requisite, but not to exceed ten acres at any one point or station, for the erection and maintenance thereon of necessary wharves, piers, warehouses, stations, curves and sidings; and to enable the company to acquire the same, all the provisions of the Railway Act shall be as fully applicable as if the acquisition of such areas of land were authorized by said Act.

5. The company shall have power to construct, purchase, charter and navigate scows, boats, sail and steam vessels on any lake, river, or stream near to or touched by the railway, for the purposes of traffic therewith. Powers as to vessels.

6. The publication of any notice required by the Railway Act or this Act shall, unless otherwise provided by this Act be sufficiently made by one publication of the same in a newspaper within the county and in the *Ontario Gazette*. Notices, how to be given. *

7. The capital stock of the said company shall be three hundred thousand dollars, with power to increase the same in the manner provided by this Act, to be divided into three thousand shares of one hundred dollars each, which amount shall be raised by the persons hereinbefore named and such other persons and corporations as may become shareholders in the company; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses, and disbursements for procuring the passing of this Act, and for making the surveys, plans, and estimates connected with the railway; and all the rest and remainder of such money shall be applied towards making, completing, and maintaining the said railway, and other purposes of this Act; Provided always that, until the said preliminary expenses shall be paid out of the capital stock, it shall be lawful for the municipality of any county, town, village, or township to pay out of the funds of such municipality, either by way of bonus or donation, or by way of loan to the said company, such preliminary expenses or any part thereof as the council of such municipality may by resolution direct; and, in the case of a loan, any sum thus advanced shall be refunded to the municipality from the stock of the said company, or shall be allowed in payment of any stock of the said company, or shall be allowed in payment of any stock which may be subscribed for by such municipality. Capital stock.
 Proviso: Advances by municipalities for preliminary expenses.

8. The persons named in the first clause hereof are constituted the board of provisional directors of the company, and shall hold office as such until the first election of directors under this Act, and shall have power to open stock books and procure subscriptions of stock for the undertaking, giving at least four weeks previous notice in a newspaper published in the county of Renfrew, and in the *Ontario Gazette*, of the time and place of their meeting for receiving subscriptions; and the said directors Provisional directors.

tors may in their discretion exclude any persons from subscribing who, in their judgment, would hinder or delay the company from proceeding with the railway; and may allot and apportion the stock amongst the subscribers, as to the said directors shall seem meet; and the said directors may in their discretion cause surveys and plans to be made and executed, and may acquire any plans and surveys now existing; and shall as hereinafter provided, call a general meeting of the shareholders for the election of directors.

Ten per cent.
to be paid up
in stock.

9. No subscription for stock in the capital of the company shall be valid unless ten per centum shall have been actually paid thereon, within five days after subscription, into any one of the chartered banks of this Province, to be designated by the said directors.

Election of
directors.

10. When, and so soon as shares to the amount of one hundred thousand dollars in the capital stock of the said company shall be taken and subscribed, and ten per centum shall have been paid thereon into some one of the chartered banks of this Province, and which said amount shall not be withdrawn from such bank; or otherwise applied except for the purpose of this railway, it shall be lawful for the said provisional directors of the said company for the time being, or a majority of them, to call a meeting of the subscribers of the stock therein, for the purpose of electing directors of the company, giving at least one month's notice, in a newspaper published in the county of Renfrew and in the *Ontario Gazette*, of the time, place and object of such meeting; and at such general meeting the shareholders, either in person or by proxy, and who shall have paid ten per centum upon the stock subscribed by them, shall elect five persons to be directors of the said company, in the manner and qualified as hereinafter provided, which said directors shall constitute a board of directors, and shall hold office until the third Monday of January of the year following their election.

Annual meet-
ings.

11. On the said third Monday in January, and on the like day in January in each year thereafter, there shall be holden a general meeting of the shareholders of the said company, at which meeting the shareholders shall elect five directors for the ensuing year, in the manner and qualified as hereinafter provided; and public notice of such annual general meeting and elections, and of the time and place at which such meeting shall be held, shall be published for at least one month before the day of election in a newspaper published in the County of Renfrew, and in the *Ontario Gazette*; and all the elections for directors shall be by ballot; and the persons so selected shall form the board of directors.

Qualification
of directors.

12. No person shall be elected a director unless he shall be the holder and owner of at least thirty shares of the stock of the
the

the company, and upon which all the calls have been paid up.

13. Aliens, as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company; and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the company. Rights of aliens who are stockholders.

14. In the election of directors under this Act, and in the transaction of all business at general shareholders' meetings, each shareholder shall be entitled to vote either in person or by proxy; and shall be entitled to as many votes as he holds shares; but no shareholder shall be entitled to vote in person or by proxy at any such meeting, or at any special meeting of the shareholders of the company, in respect of any share on which at least ten per centum shall not have been paid, and also all calls due at the time of such election or meeting. Scale of votes.

15. At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, three directors shall form a quorum for the transaction of business; and the said board of directors may employ one or more of their number as paid director or directors. Quorum of directors and their remuneration.

16. The said directors are hereby authorized and empowered to take all necessary steps for procuring subscriptions for shares in the stock books of the company from parties desirous of becoming shareholders in the said company, until the whole of the capital stock authorized by this Act shall have been taken up, and to make, execute and deliver all such scrip and share certificates as to the said directors shall seem expedient. Directors may procure subscriptions for shares.

17. The directors may at any time call upon the shareholders for instalments upon each share which they or any of them may hold in the capital stock of the company, in such proportion as they may see fit; Provided that no such call or instalment shall exceed the sum of ten dollars per centum upon the amount subscribed for by the respective shareholders in the said company, and that the amount of any such call in any one month shall not exceed ten dollars per centum upon the stock so subscribed, so that there be one month between each call until the whole capital be subscribed; Provided also, that upon the occasion of any person or corporation becoming a subscriber for stock in the said company, it shall be lawful for the directors of the said company for the time being to demand and receive to and for the use of the said company the sum of ten dollars per centum upon the amount by such person or corporation respectively subscribed, and also the amount of such calls as shall have already been made payable in respect of the stock then already subscribed at the time of such person or corporation respectively subscribing for stock; and all persons Calls on shares
subscribing Proviso.
Proviso.

subscribing to the capital stock of the said company shall be considered proprietors and partners in the same, but shall be liable only to the extent of their unpaid stock therein.

Transfer of
shares.

18. The shares of the capital stock of the said company shall be transferable, and may from time to time be transferred by the respective holders and owners thereof; Provided always, that the original subscribers or any future transferor and the transferee shall be always held personally liable to the said company, and to the creditors thereof, for all or any part of the sums unpaid on such shares by the transferor or original subscriber subscribed, and for all calls thereon whether due before or after any such transfer; and in any action brought for the recovery of any call or calls upon such stock, the said company may sue the original subscriber or the person or persons to whom the same may have been transferred as the said directors may elect; and failing to secure payment may enter an action against and may recover from the original subscriber any unpaid calls on such stock, together with the costs of any previous actions in which the company may have recovered judgments against any other of the parties liable for such calls.

Municipalities
may aid the
company.

19. Municipal corporations may grant to the said railway company any such sums of money or debentures, as may by the said municipal corporations be thought advisable in the way of bonus or donation to aid in the construction or equipment of the said railway, or of any of the works authorized under this Act; and it shall be lawful for the company to accept such bonus or donation, and to apply any such sums of money or the proceeds of such debentures to the special purpose, if any, for which the same was so granted; Provided always, that the by-law authorizing the grant of such bonus or donation, shall be approved of in the manner provided by sections two hundred and twenty-six, two hundred and twenty-seven, and two hundred and twenty-eight, of an Act respecting the Municipal Institutions of Upper Canada, passed in the session held in the twenty-ninth and thirtieth years of the reign of Her Majesty Queen Victoria, and chaptered fifty-one.

Proviso.

If a portion of
a municipality
desire to aid,
the council to
pass by-law,

20. In case a majority of the persons rated on the last assessment roll as freeholders, in any portion of a municipality, do petition to the council of such municipality, the said petition define the metes and bounds of the section of the municipality, within which the property of the petitioners is situated, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus or donation to the said company for this purpose, and stating the amount which they so desire to give and grant and to be assessed therefor, the council of such municipality shall pass a by-law, provided the said by-law shall be approved of as in sections two hundred and twenty-six, two hundred and twenty-seven, and two hundred and twenty-eight, of the Act of the Parliament of the late

Province

Province of Canada, passed in the session held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, and chaptered fifty-one, by the majority of qualified electors in the portion of a municipality petitioning as aforesaid ;

(1.) For raising the amount so petitioned for by the freeholders in such portion of the municipality by the issue of debentures of the municipality, payable within twenty years or earlier, and for the payment to the said company of the amount of the said bonus or donation, at the time and on the terms specified in the said petition ;

(2.) For assessing and levying upon all the ratable property lying within the section defined by the said petition, an annual special rate, sufficient to include a sinking fund for the repayment of debentures, with the interest thereon, which municipal councils are hereby authorized to execute and issue in such cases respectively.

21. The company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars ; and any such promissory notes or any such bills of exchange drawn, or accepted, or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, shall be binding on the company ; and the president, vice-president, or the secretary, or treasurer shall not be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors as aforesaid : Provided that nothing in this section shall be construed to authorize the company to issue notes or bills of exchange, payable to bearer, intended to be circulated as money, or as the notes or bills of a bank.

22. It shall be lawful for the directors, for the time being, to make, execute, and deliver all such bonds, debentures, mortgages, or other securities, as to the directors for the time being, shall from time to time seem expedient for raising the necessary capital for the time being, authorized to be raised by the said company, or for raising any part thereof : Provided always, that the portion of the capital to be raised by bonds, debenture, or mortgages, shall not exceed, at any time, the amount of the then actual paid-up capital stock of the said company and expended on the said road.

23. All bonds, debentures and other securities shall be executed by the president of the company for the time being and countersigned by the secretary, and may be made payable to bearer ; and all such bonds, debentures, and other securities of the said company, and all dividends and interest warrants or coupons thereon respectively which shall purport to be payable to bearer, shall be assignable at law by delivery ; and may be sued on and enforced

Proviso. forced by the respective bearers and owners thereof, for the time being, in their own names; Provided always, that no such debentures shall be issued for an amount less than one hundred dollars Dominion currency.

Form and registration of conveyances to company.

24. Conveyances of lands to the Company may be made in the form set out in Schedule "A" hereunder written; and shall be registered in the manner and upon the proof required under the "Registration of Titles (Ontario) Act;" and no Registrar shall be entitled to more than fifty cents for such registration, together with all entries and certificates in respect of every such conveyance and the duplicate thereof.

Completion of railway.

25. The said railway shall be completed from the Town of Pembroke to the primary terminus at Sand Point, in the Township of McNab, within three years from the passing of this Act; and in the event of the non-completion of the said railway within the time limited, the charter, powers and privileges of the company shall be forfeited; Provided always, that this Act shall not come into force and effect for one year from the passing hereof, nor then, if the Canada Central Railway Company shall have commenced the construction of their line between Sand Point and Pembroke, and shall complete the same to Pembroke within two years from the passing of this Act.

Proviso.

SCHEDULE "A."

KNOW ALL MEN BY THESE PRESENTS THAT

in consideration of the sum of _____ paid to me by the Pembroke and Ottawa Railway Company, the receipt whereof is hereby acknowledged, do hereby grant, sell and confirm unto the Pembroke and Ottawa Railway Company, their successors and assigns, all that certain parcel of land, being composed of _____

to have and to hold the said land and premises, together with everything appertaining thereto, to the said Pembroke and Ottawa Railway Company, their successors and assigns, forever [if dower]; And I, _____, hereby release my dower in the said lands.

Witness hand and seal, this _____ day of _____, one thousand eight hundred and _____

Signed, sealed and delivered }
in presence of

[L. S.]

CAP. XLVIII.

An Act to enable the Municipalities along the line of the Grand Junction Railway Company to grant aid thereto, and to legalize certain By-laws granting aid to the said Company.

[Assented to 15th February, 1871.]

WHEREAS the Corporation of the town of Belleville have passed a by-law granting aid by way of bonus to the Grand Junction Railway Company to the extent of one hundred thousand dollars, and whereas the Corporation of the township of Seymour also have passed a by-law granting aid by way of bonus to the said Railway Company to the extent of thirty-five thousand dollars, and whereas the validity of said by-laws is questioned for want of power in the said municipalities to grant such aid, and the said Railway Company have by their petition prayed that the said by-laws should be legalized, and whereas the said Company have also by their said petition further prayed for an Act authorizing the several municipal corporations along or contiguous to the line of their railway to grant aid by way of bonus to assist in the construction of said railway, and it is expedient to grant the prayer of the said petitioners: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That the by-law numbered two hundred and thirty-three, passed by the Corporation of the town of Belleville, and intituled, "A By-law to raise the sum of one hundred thousand dollars as a bonus to be given by the Municipality of the town of Belleville to the Grand Junction Railway Company," be and the same is hereby declared legal, binding and valid upon the said Corporation of the said town of Belleville and all others whomsoever.

By-law of the town of Belleville granting \$100,000 to the Railway Company, confirmed.

2. That the by-law numbered two hundred and forty-five, passed by the Corporation of the township of Seymour, and intituled, "A By-law to provide for the aiding and assisting in the Construction of the Grand Junction Railway, and for the issuing of debentures therefor to the amount of thirty-five thousand dollars, to be given by way of Bonus to the said Grand Junction Railway Company by the Municipality of the township of Seymour;" also a certain by-law intituled, "A By-law to provide for the aiding and assisting in the Construction of the Grand Junction Railway and the Peterborough and Haliburton Railway, and for the issuing of debentures therefor to the amount of one hundred thousand dollars to be given by way of bonus to the said the Grand Junction Railway Company and

By-law of township of Seymour granting \$35,000 to the Company, confirmed.

and the said the Peterborough and Haliburton Railway Company in the manner and proportion following, that is to say: seventy-five thousand dollars to the Grand Junction Railway Company, and twenty-five thousand dollars to the Peterborough and Haliburton Railway Company," and which was approved of by a majority of the duly qualified voters in the county of Peterborough on the twenty-third day of November in the year of our Lord one thousand eight hundred and seventy, by and the same is hereby declared legal, valid and binding as if the same had received the third reading of the County Council of the said county of Peterborough; the said by-laws are hereby declared legal, valid and binding upon the Corporations respectively, and on all others whomsoever; and the said several corporations above mentioned shall respectively proceed to issue debentures, and act upon said by-laws in all respects in the same manner as if the said by-laws respectively had been proposed after the passing of this Act.

By-laws passed after 19th Decem-1870, and before this Act, granting aid confirmed if voted on and sanctioned.

3. That any by-laws passed after the nineteenth day of December, one thousand eight hundred and seventy, and before the passing of this Act, by any municipal corporation along or near to the line of the said the Grand Junction Railway Company's proposed railway (and which have been voted upon by the people, and sanctioned in the manner provided for in the Municipal Acts in force in this province), granting aid by way of bonus to the said Railway Company, shall be valid and binding upon the said corporations so passing the same as fully as if the said by-laws had been passed after the passing of this Act, any law or statute to the contrary notwithstanding.

Municipalities adjacent to Railway may aid the Railway.

4. That the several Municipal Corporations along the line of the said proposed Railway, and also any Municipal Corporation near to the said proposed line may grant to the said Railway Company such sum of money or debentures as may by the said Municipal Corporations, respectively, be thought advisable in the way of bonus or donation, to aid in the construction or equipment of said Railway, or for any of the works authorized under the charter of the said Company to be undertaken; and it shall and may be lawful for the said Company to accept of such bonus or donation, and to apply any such sums of money or the proceeds of such debentures to the purpose for which the same were granted.

If a portion of a municipality desire to aid the Railway, council to pass a by-law,

5. In case a majority of the persons rated on the last assessment-roll as freeholders in any portion of the Municipality, do petition the Council of such Municipality, the said petition to define the metes and bounds of the section of the Municipality within which the property of the petitioners is situated, and expressing the desire of the said petitioners to aid in the construction of the said Railway, by granting a bonus or donation to the said Company for this purpose, and stating the amount which

which they so desire to give and grant, and to be assessed therefor, the Council of such Municipality shall pass a By-law : Provided the said By-law shall be approved of as in sections two hundred and twenty-six, two hundred and twenty-seven, and two hundred and twenty-eight of the Municipal Act of 1866, chaptered fifty-one, by the majority of qualified electors voting in that portion of the Municipality petitioning aforesaid : to be approved by the electors ;

(1.) For raising the amount so petitioned for by the freeholders in such portion of the Municipality, by the issue of debentures of the Municipality, payable within twenty years, and for the payment to the said Company of the amount of said bonus or donation at the time and on the terms specified in said petition ; for issuing debentures

(2.) For assessing and levying upon all the ratable property lying within the section defined by said petition, an annual special rate sufficient to include a sinking fund for the repayment of said debentures, with the interest thereon, which Municipal Councils are hereby authorized to execute and issue in such cases respectively. for assessing and levying a rate.

6. Whenever any municipality, or portion of a municipality, shall grant a bonus to aid the said Company in the making equipping and completion of the said Railway, the debentures therefor may, at the option of the said Municipality, within six months after passing of the By-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said Company, and one by the Heads of the Municipalities granting such bonuses, or the majority of them, who shall attend a meeting for that purpose, to be held at such time and place as the said Company may appoint for that purpose, notice of which shall be sent to each Reeve, Mayor or Warden by mail at least fourteen days before the day appointed, all of the trustees to be residents of the Province of Ontario ; Provided that if the said Reeves, Mayor or Warden shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall neglect or refuse to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the Company shall be at liberty to name such other trustee or other trustees. Debentures to be held by Trustees. How Trustees to be appointed.

7. Any trustee appointed may be removed, and in such case, or in case of death or resignation, a new trustee may be appointed in his place at any time, with the consent respectively of the Lieutenant-Governor in Council, a majority of the said Reeves, Mayor or Warden, and the said Company. Appointment of new Trustees.

8. The said trustees shall receive the said debentures in trust ; firstly, to convert the same into money ; secondly, to deposit the amount realized from the sale of such debentures in some one or more of the chartered banks having an office in the Trusts upon which the debentures are to be held.

the Town of Belleville, in the name of the "Grand Junction Railway Municipal Trust Account," and to pay the same out to the said Company from time to time, on the certificate of the Chief Engineer of the said Railway, in the form set out in schedule "A" hereto, or to the like effect, setting out the portion of the Railway to which the money to be paid out is applied, and the total amount expended on such portion to the date of the certificate, and such certificate to be attached to the cheque to be drawn by the said trustees.

Act of two
Trustees to be
binding.

9. The act of any two of such trustees to be as valid and binding as if the three had agreed.

Assessment
not to be in-
creased.

10. Nothing contained in this Act shall authorize any increased rate to be assessed for the purposes thereof, beyond the rate limited in the Municipal Act of 1866.

Power to add
to provisional
directors.

11. A majority of the Provisional Directors of the Grand Junction Railway Company may, at any time, at any meeting of which all the Provisional Directors shall have had notice by resolution, add to the number of said Provisional Directors, such persons as they may think proper; and such persons so added, shall have all the rights and powers they would have had, had they been named Provisional Directors in the Act incorporating the said Company.

SCHEDULE "A."

CHIEF ENGINEER'S CERTIFICATE.

The Grand Junction Railway Company's Office, }
Engineer's Department, A.D., 18 }
No.

*Certificates to be attached to cheques drawn on the Grand
Junction Railway Municipal Trust Account and given
under section of Cap. 34 Vic.*

I, _____, Chief Engineer for the Grand
Junction Railway, do hereby certify that there has been ex-
pended in construction of mile No. _____ the said mileage being
numbered consecutively from _____ the sum of _____
dollars to date, and that the total amount
due for the same from the said Municipal Trust Account
amounts to the sum of _____
dollars, which said sum of _____
dollars is now due and payable, as provided
under said Act.

CAP. XLIX.

An Act to amend the Act passed in the thirty-second year of the reign of Her Majesty, chaptered sixty-one, intituled "An Act to incorporate the Peterborough and Haliburton Railway Company," and the Act amending the same, passed in the thirty-third year of the reign of Her Majesty, chaptered forty.

[Assented to 15th February, 1871.]

WHEREAS the Peterborough and Haliburton Railway Company have prayed for certain amendments of their charter and for an extension of the favours upon them thereby; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding anything in the said in part recited Acts contained, the time for the commencement of the said road shall be extended for one year, and for the completion of the same, for five years, from and after the passing of this Act.

Extension of time for commencing and completing road.

2. The seventh section, together with the sub-sections thereof of the Act passed in the thirty-third year of the reign of Her Majesty, chaptered forty, is hereby repealed and the following enacted instead thereof:

33 V., ch. 40, s. 7 repealed and other provisions made.

7. In case a majority of the persons rated on the last assessment roll as freeholders in any portion of a municipality do petition the council of such municipality, defining the metes and bounds of the section of the municipality within which the property of the petitioners is situated, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus or donation to the said company for this purpose, and stating the amount which they so desire to give and grant and to be assessed therefor, the council of such municipality shall forthwith pass a by-law through a first and second reading and submit the same to a vote of the ratepayers in that portion of the municipality described in such petition, in the same manner as is provided in the one hundred and ninety-sixth section of the Municipal Act of one thousand eight hundred and sixty-six, chaptered fifty-one, except that instead of the polling places named in the by-law being those at which the last election for councillors was held, they shall be at such place or places as the municipal council passing such by-law shall deem most convenient for those eligible to vote thereon: Provided always, that the amount of debentures proposed to be issued under such by-law, together with the interest thereon, shall

If a portion of the municipality desire to aid, Council to pass a by-law.

Proviso.

not

not require the levying of a rate in any one year on the value of such portion of the municipality, according to the then last revised assessment roll or rolls, exceeding two cents upon the dollar ;

Form of, and provision to be made by the by-laws.

(1.) And all such by-laws shall be in the form, and provide for the issue of the debentures thereunder and the payment of both the principal and interest thereof, as set out in the fifth section of the Act passed in the thirty-third year of the reign of Her Majesty, chaptered forty, and shall provide for the handing over of the debentures so to be issued to the said railway company, at the times and upon the conditions set out in the petition asking therefor ;

Debentures when to be issued, and form thereof.

(2.) In the event of the said by-law being approved of by a majority of the duly qualified ratepayers voting thereon, then it shall be the duty of the municipal council of such municipality to forthwith pass the same and issue the debentures as therein provided, which debentures shall set forth the authority under which the same are issued ; shall have coupons attached to each debenture, respectively, for the payment of the interest accruing thereon, half-yearly, until such debenture becomes due ; shall be signed by the head and clerk of such municipality, and sealed with the corporate seal thereof ;

Duty of township, town, and village clerks as to steps to levy special rate.

(3.) Whenever any such by-law shall have been passed by a town, village or township municipality, it shall be the duty of the clerk of such municipality to annually ascertain the amount of the principal and interest falling due before the first day of July in the year following that of the municipal year in which such rate is to be levied under such by-law ; and to levy the same by an equal special rate on all the ratable property within the bounds named in such by-law, and for that purpose shall place the same in a separate column on the collector's roll for the then current year ; and all the laws now in force, or hereafter in force, for the collection of rates and assessments, and the duties of the several municipal officers in connection therewith, shall apply to those required to be levied and collected under such by-laws ;

On a county by-law the clerk to apportion on the local municipalities and notify local clerks.

(4.) Whenever any such by-law shall have been passed by a county municipality, then it shall be the duty of the clerk of the same, in the month of August in each and every year, to ascertain, from the then last revised assessment rolls returned to him, the total assessed value of that portion of the county municipality covered by such by-law, and also the amount falling due on account of the principal and interest of the debt created by such by-law on or before the first day of July in the following year ; and shall thereupon apportion between each local municipality or part of municipality covered by such by-law, the amount required to be levied and collected by them respectively, according to their respective assessments, as before ascertained ; and such county clerk shall, on or before the first of September in

Duties of local clerks,

each

each year, notify the clerk of each local municipality, as is either in whole or in part covered by such by-law, of the amount required to be levied and collected as aforesaid, together with a certified statement of the portion of the municipality, of which he is clerk, liable to pay the same; and the said clerk, upon the receipt of such notice and certificate, shall place the same upon the roll for the then current year, in the same manner as is provided in the last preceding sub-section; and the treasurer of such municipality shall pay the same over to the treasurer of the county municipality at the same time and in the same manner, and subject to the penalties as is from time to time provided in the case of county assessments; and of local treasurers.

(5.) In the event of the interest on any debenture, or the principal of any debenture, or both, not being paid at maturity, the holder thereof shall be entitled to sue for the same; and such action shall be brought against the municipality passing such by-law; and in the event of judgment being obtained, and a writ of execution issuing thereunder, the sheriff shall only proceed to collect the amount thereof and all costs thereunder from the portion of the municipality covered by the by-law, as provided in the two hundred and twenty-fourth section of the Municipal Act of one thousand eight hundred and sixty six; and the municipality issuing the same shall not otherwise than as aforesaid be liable or responsible for the same or any portion thereof: Liability of municipalities. Provided always, in the case of a county municipality, when the officers of the county have discharged their duty, and some part or parts of the portion of the county covered by such by-law have duly paid their share of such debt, and the same has been applied in the discharge of the interest and principal falling due within the year so far as it would go, and upon the same being certified to the sheriff by the treasurer of such county, then the sheriff shall proceed only against such portions of the county as have not duly paid over their quota of rates as hereinbefore required: Proviso. Provided further, that in the event of any such action being brought against a county municipality, it shall be the duty of the clerk thereof forthwith, after notice of such action to such county municipality, to notify the clerks of the several municipalities, or any portion of which may be included in the bounds prescribed by by-law. Proviso.

3. The by-law passed by the municipality of the town of Peterborough on the twenty-eighth day of November now last past (granting a bonus of forty-thousand dollars to the Peterborough and Haliburton Railway Company) is hereby declared legal and valid, notwithstanding the provisions of an Act passed in the twenty-fourth year of Her Majesty's reign, and amendments thereto, intituled "An Act to Consolidate the Debt of the Town of Peterborough, and to authorize the issue of Debentures on the security of town property, and for other purposes," and the debentures to be issued thereunder shall be subject to the

Certain by-laws of the town of Peterborough confirmed.

the same provisions as those authorized under the said last in part recited Act.

Power to construct a branch to Minden village.

4. In addition to the main line of railway authorized to be constructed by the Acts incorporating the said the Peterborough and Haliburton Railway Company, the said company is hereby authorized to construct a branch of their railway from any point on their main line to the village of Minden, in the township of Minden, in the county of Peterborough, and all the powers contained in the several Acts incorporating the said railway company shall apply to the construction of the branch railway hereby authorized.

Power to fix the gauge.

5. Notwithstanding anything contained in the fifth section of the Act passed in the thirty-second year of the reign of Her Majesty, chaptered sixty-one, it shall be lawful for the said company to adopt and fix the gauge of the said road, as to them may seem expedient.

Mayor of Peterboro' ex-officio a director.

6. That in consideration of the municipality of the town of Peterborough having passed a by-law, granting a bonus of forty thousand dollars to the said the Peterborough and Haliburton Railway Company, the Mayor of the said town, for the time being, is hereby created a director in the said company and such Mayor shall not require to be a shareholder, or otherwise qualified to be a director in the said company.

Company may mortgage bond

7. The said Railway Company may, for advance of money to be made thereon, mortgage and deposit, and transfer by way of mortgage, or as security, and may pledge all or any bonds that may be lawfully issued by the said company.

CAP. L.

An Act amending the Acts relating to the Port Whitby and Port Perry Railway Company.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS the Port Whitby and Port Perry Railway Company have petitioned that the Act of the Legislature of Ontario, passed in the thirty-first year of Her Majesty's reign, intituled "An Act to incorporate the Port Whitby and Port Perry Railway Company," and chaptered forty-two, and the Act amending the same, passed in the thirty-second year of the reign of Her said Majesty, and chaptered sixty, and the Act amending the same, passed in the thirty-third year of Her said Majesty's reign, and chaptered thirty-nine

nine be amended, by making provision for the appointment of trustees for the holding of the debentures of the several municipalities which have granted bonuses in aid of the said Railway, and for the extending of the time for the commencement of the building and completion of the extension and branches of the said Railway, and whereas it is expedient that the said Act, and the amendments thereto, should be amended according to the prayer of their petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That the debentures granted by the Municipalities of the town of Whitby, the township of Whitby, the township of Reach, and township of Scugog, not already delivered over to the said Company, shall be delivered over to the Trustees hereinafter named, when the terms of the by-laws of the respective municipalities granting said bonus debentures or the agreements between the said Municipalities and said Company have been complied with; and the debentures now in the hands of John Crawford, Esquire, as Trustee, and the proceeds of such debentures as may have been sold and any other moneys received by him on account of said trust shall immediately after the fifteenth day of February, one thousand eight hundred and seventy-one, be placed in the hands of George Curry, John Dryden and John Crawford, Esq., who are hereby appointed Trustees to hold the said debentures and moneys aforesaid upon the trusts, and for the purposes set out in the trust deed made between the said Company, the said John Crawford and J. H. Dumble, bearing date the thirteenth day of May, one thousand eight hundred and seventy.

Appointment
of new trustees
to hold certain
debentures.

2. That in case the said J. H. Dumble shall make default in delivering or consigning to the said Company the whole of the iron sufficient to complete the construction of the said road pursuant to the conditions contained in the said trust deed by the fifteenth day of May next, then the said Trustees shall hold the said bonds, debentures, and any coupons, or interest warrants attached thereto, together with any moneys, the proceeds of the sale of such debentures or interest paid thereon, by the municipalities aforesaid, which have not already been expended in the construction of said Railway, in trust, and shall place the same in the custody of one of the chartered banks of Canada, to be designated by them, and shall not withdraw, cancel, control or in anywise dispose of the said bonds, debentures, securities, interest warrants, or moneys, unless and except upon, and under the circumstances and conditions following—that is to say: That the said Trustees shall have full power to sell and dispose of said debentures or securities, and the proceeds of the sale of such debentures or securities, together with any other moneys received by them, to pay out the same; Firstly, for the purchase of iron necessary

Trusts upon
which the de-
bentures are to
be held.

necessary to complete the laying the track of said Railway ; Secondly, that any surplus remaining in the hands of said Trustees, shall be paid over to the said Railway Company, on the completion of the laying down of the whole of the iron on said Railway, from Port Whitby to Port Perry.

Iron to be used for laying down on the line, and to be exempt from seizure.

3. That the iron for said Railway shall not be used for any other purpose than the laying down on the line of the Port Whitby and Port Perry Railway ; and that such iron shall not be liable to seizure under execution against said Railway Company.

Contract for completion of Railway not affected.

4. That this Act shall not affect the rights of the Contractor J. H. Dumble, or the said Company, as to the time provided for completing said Railway by said Contractor, or the works to be performed under said Contract, or any suits now existing between said parties.

Time limited by 33 Vic. cap. 39, s. 4, for commencement and completion of branch to Uxbridge, and extension to Beaverton extended.

5. That the time limited in section four of the Act passed in the thirty-third year of Her Majesty's reign, and chaptered thirty-nine, for the commencement and completion of the branch to Uxbridge, and the extension of said Railway to Beaverton, be, and is hereby extended three years from the passing of this Act ; and that said extension to Beaverton, may at the option of the said Railway Company be constructed by sections, the first section to terminate at such point as the said Railway may intersect or cross the Toronto and Nipissing Railway in the Township of Reach, or Brock, and that such section shall be known and designated as the "Port Perry and Nipissing Section" of the said Railway ; and that the section thereof to Beaverton shall be known and designated as the "Beaverton and Nipissing Section."

CAP. LI.

An Act to authorize the Midland Railway Company of Canada to consolidate its Bonded Debts and to issue new Bonds, and for other purposes.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS there are now outstanding first preference bonds of the Midland Railway of Canada to the amount of one hundred and ten thousand pounds sterling money of Great Britain, and second preference bonds to the amount of one hundred and twenty-five thousand pounds sterling money of Great Britain, but the latter are not charged upon the whole of the said Company's lines of Railway and property ;
and

and the said Company is also empowered by Act passed during last session of Parliament to issue further bonds to the amount of one hundred thousand pounds sterling, which have not yet been issued, under and subject to the provisions of the said Act, and the Company is desirous, and it is expedient that it be authorized with the consent of the holders of the said bonds, to redeem and cancel such bonds and to issue new consolidated bonds, as by this Act provided: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Company may, with the consent of a majority of two thirds of the shareholders thereof, at a meeting specially called for the purpose, make and issue new consolidated bonds for such amount, as, including so much of said existing bonds as the holders thereof shall refuse to exchange for, or to be redeemed by means of the said consolidated bonds, shall not exceed three hundred and thirty-five thousand pounds sterling; and may make such new bonds payable in London, England, or elsewhere, as the Company may think expedient, and to bear interest at a rate not exceeding six per centum per annum, payable half-yearly; and the repayment of the principal of such new bonds may be secured by a sinking fund, payable out of the annual revenue, for such period, of such amount and otherwise, as the Company may think fit to agree upon when issuing such consolidated bonds, with the intended holders thereof; and such new bonds shall, without registration or formal conveyance, but subject to the rights of such of the holders of the said existing bonds in the recital of this Act mentioned, as may not consent to be redeemed, or to exchange their said bonds for the said consolidated mortgage bonds by this Act authorized, and subject to the rights of municipalities in respect of any liens for advances made by them before the passing of this Act, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the property of the company real and personal and then existing, and at any time thereafter acquired, and all extensions made or to be made thereof and the franchises of the said company; and each holder of the said bonds, shall be deemed to be a mortgagee and incumbrancer, *pro rata* with all the other holders thereof, upon the aforesaid undertaking and property of the company and all extensions thereof and the franchises of the company as aforesaid, in priority to all other charges and incumbrances whatsoever, save as are hereinbefore excepted; Provided that no holder of any of the said existing bonds shall be entitled to receive in exchange or substitution therefor a larger amount of the said new bonds; and that the power hereby conferred to issue bonds in excess of the amount required to exchange for the said existing bonds, shall be in substitution for the authority to issue bonds conferred by the said Act of last session.

Company may with consent of two-thirds of shareholders issue new bonds,
not to exceed £335,000 stg.
Sinking Fund.
Subject to existing rights.
New bonds a first lien on the property of the company.
Proviso.

2. The said Company, with the consent of any holders thereof, Company may
may

call in out-
standing bonds
or exchange
for new bonds.

may call in and pay off or cancel, all or any of their outstanding bonds, constituting the whole or parts of the said sums of one hundred and ten thousand pounds sterling, and one hundred and twenty-five thousand pounds sterling, or exchange the same for new bonds to be issued as herein provided.

Appointment
of a receiver.

3. The holders of the said or new consolidated bonds, may, from time to time, without prejudice to any other right or remedy, enforce payment of any arrears of interest, and in respect of said sinking fund or either, by the appointment of a receiver; and the Court of Chancery may, upon application of the holders of said bonds, for an amount of not less than twenty-five thousand pounds, upon which any principal or interest or payments towards sinking fund shall be in arrear, appoint a receiver accordingly.

This act not to
affect 29 & 30
Vic. c. 99 ss. 7
& 9.

4. Nothing in this or any other Act affecting the said Railway shall in any wise affect or repeal sections seven and nine of the Act passed by the Parliament of Canada, in the Session held in the twenty-ninth and thirtieth years of Her Majesty's reign, and chaptered ninety-nine.

Saving clause.

5. Nothing herein contained shall be deemed to prejudice or affect any depending or existing question or controversy between the shareholders and bondholders of the said Company, or any of them; or to give any additional validity to the title of any person claiming to be the holder of any shares or bonds in the said Company; or to discharge any trusts, or to affect the rights of the Crown.

CAP. LII.

An Act respecting The Norfolk Railway Company.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS it has been found impracticable to complete the line of Railway authorized to be constructed by the Norfolk Railway Company within the time limited for that purpose, and whereas, Henry Stark Howland, Noah Barnhart and Thomas Lailey, shareholders of the said Company, by their petition have prayed for an extension of the time fixed for the commencement and completion of the construction of the said Railway, and it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Time for con-

1. The time limited for the commencement of the construction

tion of the said Railway, is hereby extended for one year from the passing of this Act, and the time for the completion thereof for three years from the passing of this Act.

struction of
railway ex-
tended.

CAP. LIII.

An Act to amend the Act passed in the thirty-third year of Her Majesty's reign, Chaptered Thirty, and intituled "An Act to incorporate the Toronto, Simcoe and Muskoka Junction Railway Company."

[Assented to 15th February, 1871.]

WHEREAS the Toronto, Simcoe and Muskoka Junction Railway Company have prayed for certain amendments to their charter, and for an extension of the powers conferred upon them thereby; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Preamble.

1. All By-laws passed by any municipality, or voted upon by the ratepayers of any municipality, when passed for the purpose of aiding the said Toronto, Simcoe and Muskoka Junction Railway Company, under the sixth section of the Act passed in the thirty-third year of Her Majesty's reign, chaptered thirty, intituled "An Act to incorporate the Toronto, Simcoe and Muskoka Junction Railway Company," and all debentures issued or to be issued under such by-law or by-laws shall be and are hereby declared to be legal and valid: Provided such by-law or by-laws have been adopted by a majority of legally qualified ratepayers who have voted thereon; and the said sixth section of said Act is hereby declared to authorize and to have authorized any municipality interested in any wise in the construction of said Toronto, Simcoe and Muskoka Junction Railway, to aid the said Company under the said section.

Certain by-laws and debentures issued there-under declared legal.

33 Vic., cap. 30, sec. 6, declared to authorize municipalities interested in the Railway to aid the Coy.

2. The said Toronto, Simcoe and Muskoka Junction Railway Company shall have power to issue mortgage bonds of the Company in the manner provided by the twentieth section of the said recited Act, to the extent of nine thousand dollars per mile of the said Railway actually under construction at the time of such issue, any provision of the said recited Act to the contrary notwithstanding; Provided that the payment of the interest of such bonds shall be guaranteed by the Northern Railway Company of Canada; And provided also that the amount of such bonds issued at any one time shall not be in excess of the amount actually expended in surveys and works

Power to issue Mortgage bonds to the extent of \$9,000 per mile.

Northern Railway to guarantee the interest.

Limitation as to the issue of bonds. of construction upon the line of the said Railway; and such bonds shall rank upon the undertaking and property of the said Toronto, Simcoe and Muskoka Junction Railway Company in the manner provided for the ranking of bonds in the said twentieth section of the said recited Act.

CAP. LIV.

An Act to amend the Act passed in the thirty-first year of the reign of Her Majesty chaptered forty-one intituled an Act to incorporate the Toronto and Nipissing Railway Company.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS the Toronto and Nipissing Railway Company have prayed for certain amendments of their charter and for an extension of the powers conferred upon them thereby; Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

31 Vic., c. 41
s. 22, amended

1. That the twenty-second section of the Act passed in the thirty-first year of the reign of Her Majesty Queen Victoria, and chaptered forty-one shall be amended by adding after the word "line" in the twenty third line thereof, the following words "and in purchase of right of way, and in equipment and in materials actually purchased, paid for, and delivered to the Company within the Province of Ontario or Quebec."

CAP. LV.

An Act to Legalize certain By-laws passed by the Corporation of the Town of Brantford, and certain Agreements made between the said Corporation and the Great Western Railway Company of Canada and the Grand Trunk Railway Company of Canada respectively.

[Assented to 15th February, 1871.]

Preamble

WHEREAS the Corporation of the Town of Brantford, on the nineteenth day of September, one thousand eight hundred and seventy, passed a by-law, having first submitted the same to the electors of said municipality for their sanction, numbered

numbered 219, intituled "A By-law to authorize the granting of a Bonus of \$75,000 in aid of the construction of a Branch Railway from Harrisburg to Brantford, and to authorize the granting of a Bonus of \$32,500 to the Grand Trunk Railway in aid of the construction of workshops at Brantford," granting to the Great Western Railway Company of Canada a bonus of seventy-five thousand dollars to aid in the construction of a branch railway from Harrisburg on their main line to the said town of Brantford, and have entered into an agreement with the said railway company, with a view to the securing the construction of such branch, the same bearing date the eighteenth day of November, one thousand eight hundred and seventy, and whereas a sum of thirty-two thousand five hundred dollars is by said by-law granted to the Grand Trunk Railway Company as a bonus to aid in the construction of certain workshops of the said last-named Railway company within the said town of Brantford, and an agreement between the said municipality and the said Grand Trunk Railway Company has been entered into respecting the same, bearing date the sixth day of December, one thousand eight hundred and seventy, and whereas, the said municipality has also passed a by-law, numbered 224, intituled "A By-law to sanction the construction of a branch railway through the town of Brantford into and along Water Street therein," sanctioning the passing of the said branch railway over and along certain streets and highways within the said town and otherwise, as by said by-law is provided, and the said corporation have petitioned to have the said by-laws and agreements legalized and confirmed; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law number two hundred and nineteen of the corporation of the town of Brantford, passed on the nineteenth day of September, one thousand eight hundred and seventy, intituled "A By-law to authorize the granting of a bonus of \$75,000 in aid of the construction of a branch railway from Harrisburg to Brantford, and to authorize the granting of a bonus of \$32,500 to the Grand Trunk Railway in aid of the construction of workshops at Brantford," which said by-law is set out in Schedule "A" to this Act, and by-law number two hundred and twenty-four of said corporation of the town of Brantford, passed on the twelfth day of December, one thousand eight hundred and seventy, intituled "A By-law to sanction the construction of a branch railway through the town of Brantford into and along Water Street therein," and which said last mentioned by-law is set out in Schedule "B" to this Act; and an agreement made between the said corporation of the town of Brantford of the one part and the Great Western Railway Company of Canada of the other part, bearing date the eighteenth day of November, one thousand eight hundred and seventy, and which said agreement is set out in Schedule "C" to this Act; and an agreement made between the said corporation

By-Law 219 of
Town of
Brantford
legalized.

By-Law 224
of Town of
Brantford
legalized.

Agreement be-
tween Town
of Brantford
and G. W.
Railway Co.
legalized.

Agreement be-

tween Town
of Brantford
and Grand
Trunk Rail-
way Co.
legalized.

Proviso.

corporation of the town of Brantford of the first part, and the Grand Trunk Railway Company of Canada of the other part, bearing date the sixth day of December, one thousand eight hundred and seventy, and which last-mentioned agreement is set out in Schedule "D" to this Act, are, and each of them is, and all acts done in pursuance thereof, or of any of them, are hereby legalized and confirmed and declared valid; and all the powers, provisions, stipulations, covenants, promises, agreements, and all and singular other the matters in said by-laws and agreements contained, shall be valid and binding, as fully and as effectually, and shall, in all respects, have the same force and effect as though the same were, and every of them was, expressly embodied in this Act; Provided always, that nothing in this Act contained shall in any wise affect any existing claim by the late Province of Canada, or by the Government of Ontario against the said town of Brantford.

SCHEDULE "A."

BY-LAW, No. 219.

To authorize the granting of a bonus of \$75,000 in aid of the construction of a Branch Railway from Harrisburg to Brantford, and to authorize the granting of a bonus of \$32,500 to the Grand Trunk Railway in aid of the construction of workshops at Brantford.

WHEREAS the corporation of the town of Brantford have on hand a large sum of money and it is deemed expedient and to the interests of said town to grant the sums hereinafter specified a part thereof as free grants or bonuses in aid of the construction of works of public utility;

And whereas, it is the desire of the said corporation to grant the sum of seventy-five thousand dollars out of the aforesaid moneys as a bonus or free grant towards, and in aid of the construction of a branch railway to be built by the Great Western Railway Company, from their main line at the village of Harrisburg, in the township of South Dumfries, in the County of Brant, to some point in the town of Brantford, and to grant to the Grand Trunk Railway Company of Canada, out of said moneys a further sum of thirty-two thousand five hundred dollars as a free grant or bonus to aid in the erection of workshops at or near the station in the said town, to be used as shops for the construction and repair of cars and other rolling stock;

And whereas the said Railway Companies propose entering into agreements respectively with the said town guaranteeing the construction of the said branch railway and the said workshops respectively;

Be it therefore enacted by the Corporation of the town of
Brantford

Brantford, by and with the consent of the ratepayers, as herein-after provided: That it shall be lawful for the Mayor and Treasurer of the said town of Brantford, and they are hereby required to pay over into the Bank of British North America at Brantford, to the joint credit of themselves and the Treasurer of the Great Western Railway Company the sum of seventy-five thousand dollars of lawful money of Canada, out of the moneys on hand to the credit of the said town with their Bankers or elsewhere as a free grant or bonus to aid in the construction of a branch railway from the main line of said Railway Company at Harrisburg to Brantford; to be paid as the work on said branch progresses in accordance with the terms of the agreement to be made between the said municipal corporation and the Great Western Railway Company.

And be it further enacted that it shall be lawful for the Mayor and Treasurer of the said town of Brantford, and they are hereby required to pay over into the Bank of British North America at Brantford, to the joint credit of themselves and the Treasurer of the Grand Trunk Railway Company of Canada the sum of thirty-two thousand five hundred dollars of lawful money of Canada, out of moneys on hand, or to the credit of the said town with their Bankers or elsewhere, as a free grant, or bonus to aid in the construction of workshops at the said town of Brantford, by said company, for the construction and repairs of cars, carriages and other rolling stock for the said company; the same to be thereafter paid over to said Grand Trunk Railway Company in sums and proportions as the work of construction progresses: Provided always, and it is hereby declared, and this by-law is passed subject to the following stipulations and conditions,—that is to say, the Great Western Railway Company shall, at or before the payment of the said bonus to the aforesaid joint credit sign, seal and lawfully execute a good and sufficient agreement to, with and in favour of the said town providing amongst other things:—

1. That the said Great Western Railway Company shall and will at their own cost and expense construct said branch railway from the main line at Harrisburg to the town of Brantford, and upon power being obtained so to do at their own expense will extend it on to the western end of Water Street, in said town;

2. For the equipment by the said company of the said branch, the supply of same with rolling stock and the running and working of the same so as to secure to the town of Brantford sufficient travelling and shipping facilities at proper prices, and providing otherwise and for such other purposes as may be agreed upon between the said Railway Company and the said municipal corporation by such agreement to be drawn up and executed as aforesaid.

And that the said Grand Trunk Railway Company shall at or before the payment of the bonus to the aforesaid joint credit sign, seal, and lawfully execute a good and sufficient agreement with and in favour of the said town providing amongst other things:—

1. That the Grand Trunk Railway Company shall and will construct workshops for the construction and repairs of cars, carriages, and rolling stock for the western division of the railway at and in the said town of Brantford the cost of such buildings and expenditure in and about erecting them to be not less than sixty thousand dollars;

2. For the reconstruction of the said workshops, in case of destruction by fire or explosion, and for the repayment of said bonus in case the same be removed from Brantford or be not rebuilt in the event of their destruction in whole or in part by fire or explosion; and making such other agreements and provisions, modifying or adding to the foregoing stipulations, in favour of the said town, as shall be agreed upon between the said Grand Trunk Railway Company, and the said municipal corporation.

And it is further enacted that this By-law shall be deemed provisional only until sanctioned and legalized by the Legislature.

And it is further enacted that the votes of the electors of this municipality shall be taken upon the By-law as follows, namely:

At Mrs. Hawkins' shop Pearl Street, in the North Ward.

At the Engine House, in the Queen's Ward.

At the Town Hall, in the Brant Ward.

At Robert Copeland's, Coleborne Street, in the East Ward.

At George Fletchers' shop, Oxford Street, in the King's Ward, being the places at which the elections of members of council are held on the twelfth day of September next, commencing at the hour of nine o'clock in the forenoon and closing at the hour of five o'clock in the afternoon of the same day, and that the following persons shall be the returning officers to take the votes to such places, namely:—

At the North Ward, Thomas McKenzie.

At the Queen's Ward, John Noble.

At the Brant Ward, Thomas James.

At the East Ward, Frederick Popplewell.

At the King's Ward, Joseph Bowes.

Passed on the nineteenth day of September, one thousand eight hundred and seventy.

(Signed) W. MATHEWS. [L.S.]
Mayor.

(Signed) JAMES WOODYATT,
Town Clerk.

SCHEDULE "B."

BY-LAW No. 224.

To sanction the construction of a branch railway through the Town of Brantford into and along Water Street therein.

WHEREAS by chapter sixty-six, section one hundred and twenty-eight of the Consolidated Statutes of Canada, entitled
"An

“An Act respecting Railways,” power is given to any incorporated railway company to construct a branch or branches, not exceeding six miles in length from any terminus or section of the railway of such company, whenever a by-law sanctioning the same shall have been passed by the municipal council of the municipality within the limits of which such proposed branch shall be situate;

And whereas the Great Western Railway Company of Canada have agreed with the Corporation of the Town of Brantford, amongst other things, to construct a branch railway from the terminus of the Brantford and Harrisburg branch of such railway company in the town of Brantford, through the said town of Brantford, and along and to the westerly end of Water Street in the said town of Brantford, after a by-law granting them authority so to do shall have been passed by this corporation;

And whereas the bonus of seventy-five thousand dollars heretofore granted by the town of Brantford to said Great Western Railway Company was in aid of the construction of such branch to Water Street, the distance from the said terminus to the westerly end of Water Street being less than six miles;

Therefore it is enacted by the corporation of the town of Brantford:—

That the said corporation of the town of Brantford hereby sanction the construction by the said The Great Western Railway Company of Canada, their successors and assigns, and their servants and agents, of a branch railway from the southern terminus of their railway leading from their main line at Harrisburg, in said county of Brant, in and to the said town of Brantford, to the westerly end of Water Street in said town.

And the said corporation further sanction the passage by the said railway company in the construction of such branch over, along and upon, and the construction of the same upon Clarence Street, or such part thereof as said company may determine upon, across Colborne Street at or near the southerly end of Clarence Street, and along and upon Water Street or such part thereof as may be determined upon, and across such other street and streets within the said corporation as it may be necessary to cross in the completion of such undertaking.

And the said corporation further sanction the laying of a side track along the edge of the Canal Basin, on the south side of the storehouses situated on Water Street in said town.

And it shall be lawful for the Mayor, and he is hereby empowered to execute to said Great Western Railway Company of Canada their successors and assigns, for the purposes of such branch, a good and sufficient deed and conveyance of that certain portion of the lands and premises obtained by this corporation from the Grand River Navigation Company situate lying and being in the town of Brantford, and may be described as follows, that is to say: Commencing at a point where the
easterly

easterly limit of Oneida Street intersects the north side of the navigable channel of the Canal Basin, thence northerly along said easterly limit of Oneida Street to the southerly limit of Water Street, thence easterly along said southerly limit of Water Street to the easterly limit of Echo Street, thence southerly along said easterly limit of Echo Street to the southerly limit of lot thirty-seven south of Colborne Street, thence easterly along southerly limits of lots thirty-seven, thirty-eight and thirty-nine south of Colborne Street and lot number one south of Northumberland Street to the limit between lots numbers one and two south of Northumberland Street aforesaid, thence southerly in a line with the limit between lots one and two aforesaid to the north side of the navigable river channel of the Canal Basin, thence westerly along said north side of Canal Basin to the place of beginning.

Passed on the twelfth day of December, one thousand eight hundred and seventy.

(Signed)

W. MATHEWS,
Mayor.

(Signed)

JAMES WOODYATT,
Town Clerk.

SCHEDULE "C."

This Agreement, made this eighteenth day of November in the year of our Lord one thousand eight hundred and seventy.

Between the corporation of the Town of Brantford, of the one part, and the Great Western Railway Company of Canada, of the other part.

Whereas the said corporation are desirous of granting a bonus of seventy-five thousand dollars of lawful money of Canada, to aid in the construction of a branch railway from some point in the settlement or village of Harrisburg, in the township of South Dumfries, in the said county of Brant, to or near the western end of and along Water street in the said town of Brantford, and the said municipal corporation have passed a by-law to that effect:

Now therefore, the said municipal corporation and the said railway company for themselves respectively, and their respective successors covenant and agree each with the other of them and its successors in manner following, that is to say:—

1st. That the said Municipal Corporation will forthwith place to the joint credit of William Mathews, Esquire, Mayor of the Town of Brantford, and Joseph Price, Esquire, Treasurer of the Great Western Railway Company, and Duncan McKay, Esquire, Treasurer of the said Town of Brantford, or to the credit of the Mayor and Treasurer of the said Town, and the

Treasurer

Treasurer of the said Railway Company for the time being, in the Bank of British North America, at Brantford, the sum of seventy-five thousand dollars to be expended in the construction of said branch railway and for no other purpose, in manner hereinafter provided, and to be drawn out of the said Bank upon cheques of said William Mathews, Joseph Price and Duncan McKay, or of the Mayor and Treasurer of said Town, and the Treasurer of said Railway Company for the time being.

Upon the deposit of the said seventy-five thousand dollars, the Great Western Railway Company shall be entitled to receive the sum of fifteen thousand dollars towards making necessary surveys, plans, and buying lands for right of way, and the balance of sixty thousand dollars shall be applied as the first payments on any contract or contracts for works of construction of the said branch which shall have been given by the Great Western Railway Company to be drawn from the said Bank by the joint cheques of the aforesaid William Mathews, Joseph Price, and Duncan McKay, or of the Mayor and Treasurer of the said Town, and of the Treasurer of said Railway Company for time being; provided that no such payment shall be made, or such joint cheques given except on the written certificate of the Chief Engineer of the Great Western Railway Company that such money is justly due on the contracts for work actually done or materials purchased, or for lands which shall require to be purchased, and which shall not have been already paid over by the said appropriation of fifteen thousand dollars aforesaid.

2nd. That immediately after the full payment and application of the said sum of seventy-five thousand dollars as aforesaid, the said Railway Company shall proceed to complete the construction of such branch railway from Harrisburg aforesaid to the said Town, and into and along Water street aforesaid, to or near the western end of said street, and shall complete and duly equip the same with all reasonable dispatch, the intent being that the said Railway Company shall pay the entire cost of the said branch over and above the said sum of seventy-five thousand dollars. The said Railway shall be built and kept in such condition as will favourably compare with the general nature of the said railway company's other tracks, and shall be run by the said railway company by at least two first class passenger trains each way per day between Brantford and Harrisburg stations, leaving and returning at reasonably convenient times with sufficient freight cars or trains to accommodate the business requirements of the town at all times.

3rd. But inasmuch as it may be doubtful if the powers of the Great Western Railway Company as at present existing, will enable it to extend the said branch railway beyond the line of the Buffalo and Lake Huron Railway, without the consent of that company or the consent of the present owners of that railway, it is no part of this agreement that the liability of the Great Western Railway Company to build the said branch shall extend beyond the said Buffalo and Lake Huron Railway until the corporation of the Town of Brantford shall have conferred
upon

upon or obtained for the Great Western Railway Company proper legal authority to pass under the Buffalo and Lake Huron Railway at Maitland or Rawdon streets, or over or under the said Buffalo and Lake Huron Railway at some point west of said Rawdon street, and to pass with the said branch railway along Maitland street or Rawdon street, and the street forming the Eastern boundary of the corporation and along Northumberland street and Water street, or along Clarence street and such other of the aforesaid streets as shall be deemed advisable, the said railway company hereby undertaking to assist the said corporation in every way practicable upon their part to obtain such legal authority.

4th. That the charges for passengers and freight to or from Brantford to any other portion of the line shall not exceed the charges for a similar distance on the main line, and shall be as low and favourable for those doing business with the branch or branch and main line as for those doing business with the main line alone over the same distances.

5th. That the said company shall build and keep sufficiently good and reasonable station buildings in some convenient part of the said Town of Brantford.

And it is further especially agreed by the railway company that the said branch railway shall be built and completed between Harrisburg and the Buffalo and Lake Huron Railway within one year from the day of the date hereof, and the further distance from the Buffalo and Lake Huron Railway to and along Water street within one year from the period the Railway Company shall have had power conferred upon them to extend the same from the Buffalo and Lake Huron Railway to Water street aforesaid.

In witness whereof the parties hereto have caused their corporate seals to be hereto affixed, and these presents to be signed by the Mayor and William McMaster respectively the day and year first aforesaid.

Signed, sealed and delivered	}	(Signed) W. MATHEWS, [L.S.]
in presence of C. P. McGi-		
vern, witness to execution		
by W. Mathews, Mayor of		
Brantford.		Mayor.

Witness to execution by G.	}	(Signed) WM. McMMASTER, [L.S.]
W. R., Joseph Price,		
Treasurer, &c.		
		Director
		Great Western Railway Company.

SCHEDULE "D."

This agreement made the _____ day of _____ in the year of Lord one thousand eight hundred and seventy.

Between the corporation of the town of Brantford, of the first

first part, and the Grand Trunk Railway Company of Canada, of the other part.

Whereas the said Municipal Corporation are desirous of granting to the said Railway Company, a bonus of thirty-two thousand five hundred dollars to aid in the erection of Workshops at or near their station, in the said town of Brantford, to be used for the construction and repair of cars, etc., and they have passed a By-law to enable them to do so, and whereas the said Railway Company are desirous of erecting such shops at the place aforesaid, and of accepting said bonus, and of applying the same towards such erection.

Now therefore, the said Municipal Corporation and the said Railway Company for themselves respectively, and their respective successors, covenant and agree, each with the other of them, and their successors, in manner following, that is to say:

1st. That the said Municipal Corporation shall and will forthwith, place to the joint credit of the Mayor and Treasurer of the town of Brantford and the Treasurer of the said Railway Company, for the time being in the Bank of British North America, at Brantford, the sum of thirty-two thousand five hundred dollars of lawful money of Canada, the same to be expended by the said Railway Company, in and towards the erection by the said company at, or near their station at Brantford of workshops to be used by the said Company for the purpose of constructing and repairing cars to be used upon the said line of Railway, and to be drawn from said Bank upon the joint cheques of said Mayor and Treasurer, for the time being, as the work progresses, upon the certificate of the engineer of the said Railway Company, for the time being, that the sum for which a cheque is to be signed, has been actually expended in the erection of said shops over and above what may have theretofore been drawn out of said Bank on account of said bonus.

2nd. It is further agreed between the said parties that the said Municipal Corporation shall, and will forthwith, pass a By-law, exempting the aforesaid workshops and the manufactures to be carried on therein from municipal taxation, for five years from the completion thereof.

3rd. The said Railway Company on their part, and in consideration of the premises, covenant and agree, that they shall and will erect and keep erected, at or near their station, at the town of Brantford, good and sufficient workshops to be used by them in the maintenance, construction, and repair of cars, etc., to be used upon their line of Railway.

4th. The said Railway Company firstly covenant and agree, that they will make the said shops at the said town of Brantford, the place for the maintenance, construction and repair of the bulk of the cars required by the said Company, west of Kingston, to maintain and keep up their stock of cars, and that they will repair at the aforesaid shops the bulk of the cars requiring repairs west of Kingston, the object and intent of the said Company being in good faith to make and constitute the said town of Brantford the point west of Kingston for the manufacture and repair

repair of the bulk of the cars so required west of Kingston, as aforesaid; and the object of the town being to secure the advantages arising from the location of said works within their municipality.

5th. The said Railway Company further covenant and agree, that they will keep the said buildings insured at their own cost, against loss by fire or explosion, in some good insurance company, in reasonably large and sufficient sums, and that in case of the destruction of such buildings in whole, or in part, that they will rebuild same.

6th. The said Railway Company further covenant and agree, that if at any future time they shall do, or cause to be done, the work mentioned, that is to say, if they construct and repair the bulk of the cars in the fourth paragraph of this agreement mentioned at any point other than at the said town of Brantford, or if they shall cease to do and perform such work at the said town of Brantford, then the said Company shall and will repay to the said town the said sum of thirty-two thousand five hundred dollars, and the said town shall not be compelled to prove damages in order to the recovery thereof, but it may be sued for and recovered, as for money had and received by the said Company for the use of the said town, money loaned or otherwise.

7th. That the said Railway Company will forthwith proceed to the erection of the aforesaid shops, and that they will complete them within one year from the date hereof.

8th. This agreement and the covenants herein contained, shall extend to, and bind the successors and assigns of both parties hereto.

In witness whereof, the said parties hereto, have caused these presents to be signed and their respective corporate seals to be hereto attached, the day and year first aforesaid.

Signed, Sealed, and delivered }
In presence of }

CAP LVI.

An Act to make valid certain By-laws of the Corporation of the Township of Wolford, and certain by-laws confirming the same, and a conveyance made thereunder.

[Assented to 15th February, 1871.]

Preamble

WHEREAS it is expedient to make valid certain by-laws of the Corporation of the Township of Wolford, and certain by-laws confirming the same, and a conveyance thereunder: Therefore Her Majesty, by and with the advice and consent of the

the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. A certain by-law of the Corporation of the Township of Wolford, numbered eighty-one, intituled “By-law stopping up certain parts of the Government allowance for road between the sixth and seventh concessions of the township of Wolford,” and passed on the tenth day of January, in the year of our Lord one thousand eight hundred and sixty-six, and a certain other by-law of the said Corporation, numbered eighty-two, intituled “By-law authorizing the conveyance to Hiram Buker of certain parts of the Government allowance for road between the sixth and seventh concessions of the township of Wolford,” passed on the tenth day of January, in the year of our Lord one thousand eight hundred and sixty-six, shall, and each of the said by-laws shall be valid, legal, and effectual, and shall be held to have been valid, legal, and effectual from the time of the passing thereof, any law, usage, or custom to the contrary notwithstanding.

By-laws 81 and 82 of Township of Wolford as to concessions 6 and 7 confirmed.

2. A certain by-law of the Council of the Corporation of the United Counties of Leeds and Grenville, numbered two hundred and eighty-one, intituled “By-law to confirm by-law numbered eighty-one of the council of the township of Wolford,” and passed on the twenty-first day of June, in the year of our Lord one thousand eight hundred and sixty-six, and a certain other by-law of the Council of the Corporation of the United Counties of Leeds and Grenville, numbered two hundred and eighty-two, intituled “By-law to confirm by-law numbered eighty-two of the council of the township of Wolford,” and passed on the twenty-first day of June, in the year of our Lord one thousand eight hundred and sixty-six, shall, and each of the said by-laws shall be valid, legal, and effectual, and shall be held to have been valid, legal, and effectual from the time of the passing thereof, any law usage, or custom to the contrary notwithstanding.

By-laws 281 and 282 of Counties of Leeds and Grenville as to by-laws 81, 82 of Tp. of WOLFORD confirmed

3. A certain conveyance, dated on the fourteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six between the corporation of the township of WOLFORD of the one part, and one Hiram Buker of the other part, made in pursuance of the said by-laws, and registered in the registry office for the county of Grenville, on the twenty-seventh day of December, in the year of our Lord one thousand eight hundred and sixty-six, in Liber C. for WOLFORD, as number three hundred and thirty-two, shall be valid, legal, and effectual, and shall be held to have been valid, legal, and effectual from the time of the making thereof, notwithstanding any defect or irregularity heretofore subsisting in the said by-laws or either of them, or in the preliminary or other proceedings had or taken for the passing thereof.

Conveyance between Tp. of WOLFORD and H. Buker, confirmed.

CAP. LVII.

An Act to enlarge the powers of the Town of Brantford respecting the Grand River Navigation Company.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS by an Act passed in the thirty-first year of the reign of her present Majesty, by the Legislature of Ontario, intituled "An Act respecting the Grand River Navigation Company," power was given to the Corporation of the Town of Brantford to sell and convey all its estate and interest in the said Grand River Navigation, and other the premises in said Act mentioned, to any company wishing to purchase the same, and whereas it was and is by said Act provided that no such grant or conveyance shall be made and executed until the company so purchasing shall have actually expended the sum of thirty thousand dollars, at the least, out of the capital stock of such company, in the improvement of the said Grand River Navigation, and the works thereof, and whereas the said Corporation of the Town of Brantford have petitioned for the enlargement of their powers in respect of the disposition by them of said Grand River Navigation and the works thereof: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Powers to corporation of Brantford to sell the Grand River Navigation works, &c.

1. For and notwithstanding anything in the said Act contained, the said Corporation of the Town of Brantford may give, grant, sell and convey the said Grand River Navigation, the works thereof, and other the premises in said Act mentioned or referred to, or any part or portion thereof, upon such terms as shall be agreed upon in that behalf, to a company to be formed by David Thompson, Esquire, M. P., Alexander Taylor, Adam A. Davis and others, upon their becoming duly incorporated as a Joint Stock Company, with a subscribed capital stock of not less than ten thousand dollars; and if such company shall not become duly incorporated within four months from the passing of this Act, and acquire the said works and premises, or part thereof, then the said Corporation of the Town of Brantford may give, grant, sell and convey the said navigation, the works and premises aforesaid, or any part or portion thereof, upon such terms as may be agreed upon in that behalf, to any other company willing to purchase the same, with a capital stock of not less than ten thousand dollars; and if no gift, grant or sale thereof shall be made by the said corporation of the Town of Brantford to any or either of the proposed companies aforesaid, then the said corporation may give, grant, sell and convey the same or any part thereof remaining undisposed of to any municipality or municipalities adjoining

adjoining the said Navigation Works or any part thereof, to any person or persons willing to purchase the same, upon such terms as may be agreed upon in that behalf; and the grant and conveyance of said Navigation Works and premises, or any part or portion thereof, by the said corporation, to any company, municipality or municipalities, person or persons so purchasing or acquiring the same, shall have the effect of vesting in such company, municipality or municipalities, person or persons so purchasing, their successors, heirs and assigns respectively, all the powers, franchises, authorities and liabilities of the said corporation of the Town of Brantford in reference to the said navigation and other the premises which shall then be vested in said corporation of the Town of Brantford, as to and in respect of the part, portion or parcel of said Navigation Works and premises so conveyed to any such company, municipality or municipalities, person or persons respectively; and from and after such conveyance of the whole or part thereof the liability of the said corporation of the Town of Brantford (if any) in respect of the part or parts so conveyed as regards all acts, contracts and dealings with the said Navigation Works and premises, breaches of covenant or contract, or otherwise howsoever which may have been done or suffered, or which may be made, done or suffered, shall cease and determine: Provided nevertheless that no such gift, grant or sale as aforesaid shall affect or include the lands and premises granted to the said corporation of the Town of Brantford by a certain patent dated the twenty-sixth day of June one thousand eight hundred and sixty-four, being certain lands and premises at or near the village of Cainsville. Proviso.

2. The provisions of section four of said Act, passed in the thirty first year of the reign of Her present Majesty, and chaptered sixty-five, shall extend and apply to the companies or proposed companies in the preceding section of this Act firstly and secondly mentioned, and the same may be incorporated under and by virtue thereof, and of this Act, and when so incorporated, may become the purchasers of the said Navigation Works and premises, or any part thereof, as by said preceding section it is provided, from the said corporation of the Town of Brantford, upon such terms as may be agreed upon. The provisions of 31 Vic. cap. 65, s. 4, to apply to the new companies.
Incorporation of new company.

3. It shall be lawful for the said corporation of the Town of Brantford, and the company, municipality, person or persons to which or whom the said works and premises, or part thereof, shall be conveyed, as between themselves, to make such arrangements and agreements in writing (the same to be duly executed by the parties thereto under seal) respecting the keeping up or in repair the said works for navigation or other purposes, and for the working thereof, and generally respecting the same, as may be mutually agreed upon between the said corporation and such purchaser or purchasers: Provided nevertheless, that the liability or responsibility of the said corporation of the Town of Corporation of Brantford and new company may make arrangements for keeping up the works, &c.
Proviso.

of Brantford, in respect of or relating to said works and premises, shall not be increased, enlarged or added to by this Act or any thing herein contained, or by any agreement or agreements which may be made under or by virtue of this Act.

Where the sale
by the corpora-
tion is of part
of the works.

4. In the event of the sale or conveyance by the said corporation of the Town of Brantford, of so much of the said Navigation Works and premises as are situate below the locks at or near the easterly end of the canal at the head of said works, to either of the companies aforesaid or to any municipality, person or persons, the said corporation of the Town of Brantford may thereafter give, grant, sell or convey, the said locks and the said Navigation Works and premises lying to the east thereof to any company with a capital stock of not less than five thousand dollars, desiring to purchase the same; and any sufficient number of persons desirous of forming a company to purchase the same may become an incorporated company for that purpose, with a capital stock of not less than five thousand dollars, and section two of this Act shall extend and apply to any such persons and proposed company.

Arrears of
rent,

5. This Act shall not, nor shall any conveyance or transfer of the said Navigation Works or premises by the said corporation of the Town of Brantford, or of any part thereof, under and by virtue of this Act, prevent the said last named corporation from collecting the rent or money which may be due or become due to such corporation as rent, or for the use and occupation of their said premises or any part thereof; up to the time of the execution of any such conveyance or conveyances, in the same manner and to the same extent as the same might have been collected but for the passing of this Act, or the execution of such conveyance or conveyances; nor shall this Act or such conveyance or conveyances be pleaded in bar to any action at law or suit in equity which may be brought for the recovery of the said rent or moneys.

CAP. LVIII.

An Act to enable Charles C. Grove and Nicholas Uebelhoer to construct a Railway in the Township of Bertie, County of Welland.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS Charles C. Grove and Nicholas Uebelhoer, of the City of Buffalo, in the State of New York, are the owners of lots numbers twelve in the first or front, and in second concessions of the township of Bertie in the county of Welland, and have by their petition represented, that the Buffalo and Lake Huron Railway crosses their said property, and that

that upon lot number twelve in the second concession of the said township, they have opened and are working a lime-stone quarry, and that most of the stone has to be carried across the said railway to be shipped from their wharf in front of lot number twelve in the first concession of the said township, and that at such quarry a large number of men are employed in quarrying and shipping stone and manufacturing lime, and that it would be a great convenience to them to have a railway from the said quarry to such wharf across the Buffalo and Lake Huron Railway, and whereas, the said petitioners have prayed that an Act be passed to enable them to make and construct such railway, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That the said Charles C. Grove and Nicholas Uebelhoer their heirs and assigns may make, construct and complete a railway with a single track from their said quarry on lot twelve in the second concession of the township of Bertie aforesaid, to a point at or near their present wharf in front of lot number twelve in the first concession of said township, across their said lands and the track of the Buffalo and Lake Huron Railway, at such place or point as they may deem best and on a level with the said railway.

Power to construct the railway.

2. That the said Charles C. Grove and Nicholas Uebelhoer, their heirs and assigns, may at all times maintain, repair and reconstruct the said railway so to be constructed by them.

Maintenance, repair, etc., of railway.

3. That in making such railway, it shall not be lawful to hinder or prevent, or in any way interfere with the running of the trains on the Buffalo and Lake Huron Railway.

Railway not to interfere with B. & L. H. Railway trains.

4. That the railway hereby authorized to be constructed shall only be used in the day time, between sunrise and sunset.

When railway may be used.

5. The said Charles C. Grove and Nicholas Uebelhoer, their heirs and assigns, when working their said railway, shall station a person at the point on their line where it may cross the Buffalo and Lake Huron Railway, and no car or train shall proceed over such crossing on their said railway until signal has been made to the person in charge thereof that the way is clear; nor shall it be lawful for any train or car, on the railway hereby authorized to be constructed, to hinder, prevent or delay any locomotive or train on the Buffalo and Lake Huron Railway; nor shall it be necessary for the Buffalo and Lake Huron Railway Company, their lessees or assigns, to make or give any signal at such crossing.

Precautions to be taken when the railway crosses the B. & L. H. Railway track.

CAP. LIX.

An Act to extend the limits of the Corporation of the Town of St. Thomas.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS the Municipal Council of the Town of St. Thomas, in the County of Elgin, have by petition represented that owing to the contracted limits of the Town of St. Thomas it is impossible to locate the stations and workshops of the Canada Southern Railway Company within the limits of the present Corporation, and that said Railway Company have agreed to locate their stations and shops within the Corporation of St. Thomas, provided the limits are sufficiently extended for that purpose; and that it is in the interest of the said Town that the said stations and shops should be there located; and that the ratepayers of the Police Village of Millersburg and the Municipal Corporation of the Township of Yarmouth in the County of Elgin are willing that the limits of the said Corporation of the Town of St. Thomas should be extended over the south half of lot number four and the south half of lot number five in the ninth concession of the said Township of Yarmouth, and the north halves of lots numbers four and five in the eighth concession of the said Township, and the north half of the west half of lot number six in the eighth concession of the said Township, except one half acre thereof at present owned and occupied by one Willoughby Clark, on the terms that the said lands so to be included in the said Corporation and the Town of St. Thomas as existing at the time of the passing of this Act shall be, and continue respectively possessed of their proportion of the assets and liable for their proportion of the indebtedness of the municipalities to which they have hitherto belonged, except for the liability created by the bonus of twenty-five thousand dollars to be granted to the said Railway Company, which is to be a charge upon the extended municipality of the Town of St. Thomas, but that the said lands, so to be included shall not be liable for any portion of the indebtedness or liability contracted by the said Corporation of the said Town of St. Thomas prior to the passing of this Act, except as aforesaid, and whereas it is expedient to grant the prayer of such petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Certain lands incorporated in Town of St. Thomas, and form,

1. From and after the first day of April after the passing of this Act the south half of lot number four and the south half of lot number five in the ninth concession of the said Township of Yarmouth, and the north halves of lots numbers four and five in the eighth concession of the said Township, and the north half of the west half of lot number six in the eighth concession

cession of the said Township, except one half acre thereof at present owned and occupied by one Willoughby Clark, shall be, and are hereby detached from the said Township of Yarmouth and annexed to the said Town of St. Thomas, on the terms and conditions relating thereto set forth in the preamble of this Act, and shall in all respects and for all purposes not inconsistent with the provisions of this Act, be and become and are hereby constituted, a portion of the said Municipal Corporation of the Town of St. Thomas: and said lands so annexed to said Town shall hereafter form a Ward thereof to be known as St. David's Ward.

The ward of
St. David.

2. Nothing in this Act contained shall exempt any part of the lands so detached from liability for the debts and obligations contracted before the passing of this Act by the county, townships or other municipality of which the said lands formed a part.

The lands incorporated not to be exempt from former municipal liability.

3. The Collector's Roll for the said Town of St. Thomas shall hereafter contain a column containing current rates, and a column containing the rates for now existing liabilities of that part of the said Corporation liable under this Act for the old debts of St. Thomas, and a column containing the rates for now existing liabilities of that part of the said Corporation by this Act annexed to the said Town of St. Thomas; provided that the amount to be paid by the said lands hereby detached from the Township of Yarmouth to the said Township and to the County of Elgin shall be settled by arbitration, and shall be based upon the assessment of the year one thousand eight hundred and seventy.

Form of Collector's Roll.

Arbitration as to liabilities of annexed land.

CAP. LX,

An Act to extend to the Townships of Albion and King, the provisions of the Act passed in the first session of the Parliament of the late Province of Canada, held in the twenty-second year of the reign of Her Majesty Queen Victoria, chaptered fifty-nine.

[Assented to 15th February, 1871.]

WHEREAS the Municipal Council of the Township of Albion, in the County of Peel, have by their petition set forth that for the avoidance of serious difficulties and disputes, it is desirable to extend the provisions of the Act hereinafter mentioned to the location of the road extending along the Indian or thirty-six mile line to the northern limit thereof, between the said Municipality of Albion and the Municipality of

Preamble.

of

of the Township of King, in the County of York, and whereas, it appears that the allegations of the said petition are well founded; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

Provisions of
22 Vic. c. 59
extended.

1. All the provisions of the Act passed in the first session of the Parliament of the late Province of Canada held in the twenty-second year of Her Majesty's reign, intituled "An Act to establish the true location of the allowance for road between the Municipalities of Toronto, Gore and Etobicoke," and chaptered fifty-nine, as to the location of the said allowance for road, shall apply, and are hereby extended, to the location of the said allowance for road between the Municipalities of Albion and King, and throughout the whole length of the said Indian or thirty-six mile line.

CAP. LXI.

An Act to establish and declare the mode in which the side lines of the lots, in the Township of Huntly, in the County of Carleton, have been and shall be run.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS by the petition of the Reeve of the municipal corporation, and other inhabitants of the township of Huntly, in the county of Carleton, it appears that great inconvenience has resulted from the running of the side lines between the lots parallel to the governing lines of the township, as required by the Act hereinafter mentioned, and whereas the said Reeve of the municipal council and inhabitants have prayed that the side lines may be drawn from post to post, without regard to the course of the side lines of the township, and it is expedient, under the circumstances aforesaid, to grant their prayer; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Manner in
which the side
lines in the
township of
Huntly are to
be drawn.

1. For and notwithstanding anything to the contrary in the seventy-first, seventy-second, seventy-third, seventy-fourth, seventy-fifth, seventy-sixth, seventy-seventh, seventy-eighth, seventy-ninth, and eightieth sections of the Act respecting land surveyors and the survey of lands, being chapter seventy-seven of the Consolidated Statutes of Canada, or in the twenty-eighth, twenty-ninth, thirtieth and thirty-first sections of the Act respecting the survey of lands in Upper Canada, chaptered ninety-three of the Consolidated Statutes for Upper Canada, or any other Act or law, all the side lines between lots in the township

of

of Huntly shall be so drawn that the side line between any contiguous lots in any concession of the said township, shall be a line drawn from the post in the front of the concession to the corresponding post in the rear of the same concession; and any line so drawn shall be declared to be the true side line of the lots between which it shall have been drawn; subject nevertheless, to the provisions of the said Act relative to the breadth of lots and the mode of ascertaining such breadth where the original post or monuments cannot be found, which provision shall in any such case apply equally to the posts or boundaries at both ends of the lots; Provided that in case any party should, by reason of this Act, suffer any injury or damage, such party shall be compensated by the party or parties benefitted by such changes; the compensation so to be paid, and the persons to pay and receive the same, shall be ascertained by a sworn surveyor, appointed by the Commissioner of Crown Lands, and his decision, when approved of by the Commissioner of Crown Lands, shall be final; Provided also, that all lines heretofore run under and according to the aforesaid Act, or according to the terms of this Act, shall be the true and unalterable side and dividing lines between the lots in the said township of Huntly. Proviso.

CAP. LXII.

An Act to Legalize and Confirm a portion of the Survey made by William Smiley, Deputy Provincial Land Surveyor, and other divisions and boundaries of that part of the Township of West Oxford lying on the southerly part of the said Township known as the Fifth and Sixth Concessions.

[Assented to 15th February, 1871.]

WHEREAS it appears by the petition of the Municipal Council of the Township of West Oxford in the County of Oxford, and certain owners, proprietors and occupants of lands in the said township, that it was and is doubted whether any actual survey was ever made of that part of the said Township of West Oxford lying south of the fourth concession of the said Township of West Oxford, and in consequence of such doubt, on the application of parties, the Honorable Commissioner of Crown Lands sent one William Smiley out to survey and lay out that part of the township into lots, concessions and side line roads; that by the survey and the plans thereof made by the said William Smiley of that part of the said township, parties have bought and sold lands, settlements and improvements have been made according to the surveys

Preamble.

survey so made by the said William Smiley, and the Municipal Council of the said township have opened out and made roads on the concession lines established thereby, and whereas the petitioners have prayed that the survey so made by the said William Smiley, and other divisions and boundaries may be legalized, confirmed and established by authority of the Provincial Legislature of this Province, as the true survey of that part of the said Township of West Oxford affected thereby, and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Survey in
Township of
West Oxford
by W. Smiley,
confirmed.

1. The survey of that part of the Township of West Oxford in the County of Oxford which was made by William Smiley, Provincial Land Surveyor for the purpose of correcting any errors in the proper boundaries and in the correctly numbering of the lots in that part of the said Township of West Oxford and for designating the said lots by their proper boundaries and numbers according to the numbers of lots actually contained in that portion of the said township of west Oxford, a map and report of such survey hath by the said William Smiley, been duly returned to the office of the Commissioner of Crown Lands, shall be and they are hereby declared to be the true and unalterable survey of that part of the said Township of West Oxford, lying and being west of the east quarter town line of the said Township of West Oxford.

Division and
boundaries of
lots five and
six in the fifth
concession.

2. That lots numbers five and six in the said fifth concession shall be equally divided by a line running parallel with the said quarter town line, the eastern boundary of lot number five being the west side of the Commissioners road or what is now known as the Norwich road, and the western boundary of lot number six, being the east quarter town line as laid down by the said William Smiley, P. L. S.

Division and
boundaries of
lots five and
six in the sixth
concession.

3. That the lines and division of lots numbers five and six in the sixth concession of the said Township of West Oxford shall be the lines laid down by a survey made previously to that made by William Smiley, P. L. S., and at present owned and occupied; the eastern boundary of lot number five being the west side of the said Norwich road; and the western boundary of lot number six being the east quarter town line as laid down by the said William Smiley, P. L. S.

Lines and di-
vision of other
lots in West
Oxford.

4. The lines and division of lots numbers four and three in the fifth concession and lot number four in the sixth concession of the said Township of West Oxford shall be the lines laid down in a survey made previously to that made by the said William Smiley, P. L. S., the easterly boundary of the said Norwich road to be the westerly boundary of said lots numbers four in the said fifth and sixth concessions, and the easterly boundary

boundary of the said township to be the easterly boundary of lots numbers three and four in the said fifth concession, and lot number four in the said sixth concession.

5. This Act shall not in any way interfere with any suit now pending in any of the courts of the Province, or any patent from the Crown issued previous to the said survey being made by the said William Smiley, P. L. S. Certain patents and suits not affected.

CAP. LXIII.

An Act to confirm and establish a certain Survey of the eleventh, twelfth, thirteenth and fourteenth Concessions of the Township of Portland, in the County of Frontenac, made by Aylesworth Bowen Perry, a Deputy Provincial Surveyor.

[Assented to 15th February, 1871.]

WHEREAS by an Act of the late Province of Canada passed in the twenty-eighth year of Her Majesty's reign, chaptered thirty-one, and intituled: "An Act to authorize a resurvey of part of the Township of Portland in the County of Frontenac," it was enacted that the Commissioner of Crown Lands might cause one Aylesworth Bowen Perry, a Provincial Land Surveyor, to make a survey and report, and plan of survey, of the eleventh, twelfth, thirteenth and fourteenth concession lines of the said township of Portland, and which were to be made in pursuance of the direction given in the said Act, and that from and after the confirmation of the said survey by the Commissioner of Crown Lands, the same should be the only and unalterable survey of the said concessions, and whereas it appears by the petition of the Municipal Council of the said township of Portland, that the said Aylesworth Bowen Perry did within the time mentioned in the said Act, and under the direction of the Commissioner of Crown Lands, make a new survey of the said concessions and concession lines, but the Commissioner of Crown Lands had refused to confirm the same in consequence of certain irregularities therein, or derivations from the directions given in the said Act, and such petition further sets forth that it would entail great expense to have a new survey of such Concessions and that such survey conformed with the spirit of said Act, and is the best that could be made, and that it would be an advantage to all parties concerned, that such survey should be established and confirmed, and they pray that the same may be established and confirmed, and it is expedient to grant their prayer: Therefore Her Majesty by and with

Preamble.

with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Survey of A. B. Perry, of certain concession lines in the township of Portland confirmed.

1. The survey so made by the said Aylesworth Bowen Perry shall be, and shall be held and deemed to be, and is hereby declared to be, to all intents and purposes, the only true and unalterable survey of the said eleventh, twelfth, thirteenth, and fourteenth concessions of the said township of Portland; and the lines, limits, boundaries and angles thereby established, and the monuments planted by the said surveyor to mark and designate the same respectively, are hereby declared to be the only true and unalterable lines, limits, boundaries and angles of the said concessions, respectively, and of the respective lots, within the same, and the only true and unalterable monuments to mark and designate the same respectively, any law, usage or custom, to the contrary notwithstanding.

CAP. LXIV.

An Act to close part of Church Street in the City of London, and vest the same in the Corporation of the said City.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS the Corporation of the City of London have by their petition prayed that the portion of a highway in the City of London known as Church Street, Mark Lane, or an allowance for road between the boundaries hereinafter described, may be closed, and the same vested in the said Corporation and their successors or assigns, and it is expedient to grant the prayer of their petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

Part of Church Street closed and the freehold vested in the Corporation of London.

1. The highway called Church Street in the City of London, from a Board of Ordnance Monument planted on the east side of said street, and at the south limit of lot number fourteen on the east side of said Church Street, extending southerly and westerly known as Church Street, Mark Lane, or as an allowance for a public highway until the same intersects a public highway known as Sarnia Street, Mark Lane or Church Street continued, is hereby declared to be closed, and the soil and freehold thereof forever vested in the Corporation of the City of London, their successors or assigns.

Description of the part of Church Street closed.

2. The highway by this Act declared to be closed and vested in the Corporation of the City of London may be known as follows; commencing at the Board of Ordnance Monument at the north-west

north-west angle of the Exhibition grounds, then south twenty degrees and two minutes east along the west boundary of the Exhibition grounds ten chains and fifty one and a half links, more or less, to the Board of Ordnance Monument; thence south twenty-five minutes east five chains and sixty-nine links, more or less, to an angle in Church Street; thence southerly along the east boundary line of Church Street to Great Market Street one hundred and ninety-nine and one half links, more or less; thence westerly twenty links, more or less, to the east boundary line of Sarnia Street continued south to Great Market Street; thence northerly along said boundary line five chains, more or less, to the west boundary line of Church Street; thence northerly along the west boundary line of Church Street (on two different bearings,) twelve chains and fifty links, more or less, to meet the northerly boundary line of the Exhibition grounds continued westwardly; thence easterly one chain to the place of beginning, containing one acre, one rood and thirty-six perches, more or less; Provided always, that the said corporation shall cause Pall Mall street to be opened and continued across said Church street, to Sarnia street, at its full width as a public street, when said Pall Mall street is opened across the Exhibition Grounds, before closing said Church street.

3. The Corporation of the City of London or their successors Corporation in office may sell and convey the said land or any part thereof may sell the land. in fee simple.

4. In regard to land to be taken between Church street and Sarnia street for the purpose of continuing Pall Mall street, as Compensation to be given for lands taken. aforesaid, the proceedings as to compensation for lands, powers in regard thereto, payment of moneys, arbitration and otherwise, shall be the same as in cases where municipal councils under the Act passed in the session held in the twenty-ninth and thirtieth years of Her Majesty's reign, chaptered fifty-one, take lands for roads in exercise of their powers, and compensation shall be made and the several sections of the said Act shall apply to this Act, and in respect of the said land, in like manner, as if the said corporation, in opening and continuing the said street, between Church and Sarnia streets were acting under the powers in the said Act.

5. This Act shall have no force or effect until the several Consent of owners of property to be obtained. parties owning real estate lying between Sarnia and Church streets shall have consented to assign their rights and interests to the said corporation by deed of assignment.

CAP. LXV.

An Act to exempt the Townships of Biddulph and McGillivray from Taxation for Gravel Road purposes outside of said Townships.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS the townships of Biddulph and McGillivray were by the Act passed in the twenty-fifth year of the reign of Her Majesty, and chaptered twenty-eight, separated from the County of Huron and annexed to the County of Middlesex, and whereas under the provisions of the said Act, each of the said Townships became liable to pay, and has paid, a large sum to the County of Huron, in respect of the debt of that County, incurred to a large extent for roads; And whereas the said townships have to a certain extent since the time of the said separation, at their own expense, gravelled their own roads; And whereas it is just that the said Townships should not be liable for the cost of gravelling outside of their own Townships; And whereas the corporations of each of the said Townships, and of the County of Middlesex have petitioned for the passing of this Act: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Recited townships, to be liable only for the expense of gravelling their own roads.

1. Neither of the said Townships shall be liable for any debt contracted by the county of Middlesex for the constructing or gravelling of roads outside of the said Townships, or which may at any time within the next twenty-one years be contracted by such county for the purpose aforesaid.

CAP. LXVI.

An Act to authorize the Corporation of the City of Ottawa to acquire certain lands for the enlargement of the By Ward Market.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS the corporation of the city of Ottawa have by their petition set forth that the interests of the inhabitants of the city of Ottawa require that the By Ward Market should be enlarged, and that the said corporation should have power to acquire and hold lots numbers eight and nine, and the west half of lot number ten on the north side of George street,
and

and lots numbers eight and nine, and the west half of lot number ten on the south side of York street, in the city of Ottawa, for that purpose ; and they have prayed to be enabled to acquire the said lands, and it is expedient to grant the prayer of the said petition ; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The said Corporation, upon passing a by-law, stating their intention to acquire the said lands for the purposes aforesaid, shall have the power to treat for purchase and acquire the said lands for the purposes aforesaid, and in the event of their being unable to agree upon the price to be paid therefor, such price shall be settled by arbitration ; the arbitrators to be appointed, and all proceedings taken, as provided by the Act of the Parliament of the late Province of Canada, passed in the session held in the twenty-ninth and thirtieth years of Her Majesty's reign, chaptered fifty-one, intituled an Act respecting the Municipal Institutions of Upper Canada, and of any Act or Acts amending the same in relation to the exercise of the powers of the corporation in regard to roads, streets or other communications, and upon payment of the sum of money awarded the land shall be and become the property of the corporation of the city of Ottawa.

The Corporation of Ottawa may acquire certain lands.

CAP. LXVII.

An Act to empower the West Middlesex Agricultural Society to sell certain Lands.

[Assented to 15th February, 1871.]

WHEREAS the Electoral Division of West Middlesex County Agricultural Society have petitioned for power to sell broken lots numbers twenty-seven in the third concession, and eighteen in the fourth concession, north of the Egremont Road, in the Township of Adelaide, in the County of Middlesex and Province of Ontario, which said broken lots have been granted and patented to the said Agricultural Society to be held in trust by the said Agricultural Society for a model or experimental farm or farms, and for the purposes of the said Society ; and it is expedient and proper to grant the prayer of the petition on behalf of the said Society : Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Preamble.

1. The said Electoral Division of West Middlesex Agricultural Society shall have power to sell, convey, and dispose of, broken

Power to
Society to sell
broken

and convey
certain lands.

broken lot number twenty-seven in the third concession north of the Egremont Road, and broken lot number eighteen in the fourth concession north of the said Egremont Road, all of the Township of Adelaide in the County of Middlesex and Province of Ontario, either or both thereof, notwithstanding any trusts in the said grant thereof contained.

Former sales
and convey-
ances con-
firmed.

2. All sales and conveyances of said lands that may have been made by the said Agricultural Society shall be and the same are hereby confirmed.

. CAP. LXVIII.

An Act to vest in the County Agricultural Society of Glengarry, certain property situate in the village of Williamstown.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS the lands hereinafter described and being in the village of Williamstown in the county of Glengarry, were on the twenty-fifth day of June, one thousand eight hundred and fourteen, by deed of gift granted to Neil McLean, Sheriff of the Eastern District, in the Province of Upper Canada, in trust for the purpose of holding a fair in the said village, and whereas in order to more effectually carry out the intent of the said grant, it is desirable that the said lands should be vested in the County Agricultural Society of Glengarry; Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Certain lands
in Williams-
town granted
to Neil Mc-
Lean in trust
for holding a
fair, vested in
the County
Agricultural
Society of
Glengarry.

1. That the said lands mentioned in the said deed, and there- in described as follows, that is to say, all that certain parcel or tract of land situate in the said village of Williamstown, containing by admeasurement twelve acres, statute English measure, butted and bounded and may be otherwise known as follows, namely, beginning at a boundary mark of stone at the south-easterly corner of the land of Alexander MacKenzie, Esquire, from thence south eighty-seven degrees east along John Street ten chains and eighty-seven links to a boundary mark of stone; from thence along the west boundary line of the school lot number twenty north eleven degrees east three chains fifty links to a boundary mark of stone; thence north twenty-four degrees west twenty-four chains to a boundary mark of stone; thence south sixty-six degrees west twelve chains, more or less, to a boundary mark of stone; and thence along the easterly line of the land of the said Alexander MacKenzie, Esquire, south twenty-four degrees east to the place of beginning, with the privilege

privilege of extending from John Street to the river; together with all and singular the hereditaments and appurtenances thereunto in anywise belonging, and the reversion and reversions, remainder and remainders, rents, issues, and profits of all and singular the said premises and of every part and parcel thereof;—be, and the same are hereby vested in the said the County Agricultural Society of Glengarry and their successors, for the purpose of holding a fair in the said village, and to hold the same as a fair ground, and for such other purposes as the County Agricultural Society of Glengarry may sanction or authorize.

CAP. LXIX.

An Act to Incorporate the Town of Walkerton and to define the limits thereof.

[Assented to 15th February, 1871.]

WHEREAS the inhabitants of the unincorporated Village of Walkerton, in the township of Brant, in the County of Bruce, have by their petition represented that it has for several years past been, and is now, the County Town of the said County, and by its position and importance, and from the rapid increase of the population, and by reason of the probable early construction of railways to the said village, the population will be further augmented, and that in order to promote its progress and prosperity, and to enable the inhabitants thereof to carry out the improvements they are desirous of making, and in compliance with a resolution passed by a public meeting, duly convened to consider the matter of incorporation, and numerous attended, it is desirable that the said village be incorporated as a town; and it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. On and after the passing of this Act, the inhabitants of the said village of Walkerton shall be, and they are hereby constituted a corporation or body politic, under the name of the "Corporation of the Town of Walkerton," apart from the said township of Brant in which it is situate, and shall enjoy all the rights, powers and privileges enjoyed by incorporated towns in the Province of Ontario, and exercised by the council thereof under the existing municipal laws of the said Province, which are hereby made applicable thereto, but only so far as the same are not inconsistent herewith.

2. The said town shall comprise and consist of the following farm

Limits of the town.

farm lots, with such parts thereof as are laid out and known as the Village of Walkerton or otherwise, that is to say, farm lots numbers twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty and thirty-one, in the first concessions north and south of the Durham Road, and also farm lots numbers twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, and that portion of lot twenty-nine (if any) west of the River Saugeen, south of the Durham Road, in the second concession of the said township.

Wards.

3. The said town of Walkerton shall be divided into three wards, to be called respectively Saugeen Ward, Grove Ward and Silver Creek Ward;

Saugeen ward.

(1.) Saugeen ward shall be composed of farm lots numbers twenty-nine, thirty and thirty-one, north of the Durham Road, also farm lots numbers twenty-nine, thirty and thirty-one south of the Durham Road to the east of the river Saugeen, including the islands in the said river forming portions of said farm lots, and all that portion of the village of Walkerton east of Victoria street, and south of the Durham Road, to South street, extending to the river Saugeen; also that portion of said village lying north of the Durham Road to the river Saugeen, south of Wellington street and east of Colborne street, as shown on the registered map of the village of Walkerton; also farm lots numbers twenty-eight, and that portion of twenty-nine to the west of the river Saugeen, in the second concession, south of the Durham Road, in the said township;

Grove ward.

(2.) Grove Ward shall be composed of all that portion of the village of Walkerton, west of Victoria street, south of the Durham Road east of the side line and north of South street, also that portion lying north of the Durham Road, west of Colborne street, to the side line between farm lots numbers twenty-five and twenty-six north to the Saugeen river, also farm lots numbers twenty-six, twenty-seven and twenty-eight north of the river Saugeen, in the first concession north, also farm lots numbers twenty-six and twenty-seven in the second concession south, of the Durham Road;

Silver Creek ward.

(3.) Silver Creek Ward shall be composed of farm lots numbers twenty-two, twenty-three, twenty-four and twenty-five north and south of the Durham road, in the first concession, also farm lots numbers twenty-three, twenty-four and twenty-five, in the second concession, south of the Durham Road.

First election.

4. Immediately after the passing of this Act, it shall be lawful for Walter Langmuir Watt, who is hereby appointed the returning officer, to hold the nomination for the first election of mayor, reeve and councillors at the school house in the said town, at the hour of noon, and he shall give one week's notice thereof

thereof, in a newspaper published in the said town, and on the same day also by one week's written notice posted up in at least two conspicuous places in each ward of the said town of such nomination, and he shall preside at such nomination, or in case of his absence the electors present shall choose from among themselves a chairman to officiate, who shall have all the powers of a returning officer, and the polling for the said election shall be held on the same day of the week in the week next following the said nomination.

5. The said returning officer shall, by his warrant, appoint a deputy returning officer for each of the wards into which the said town is divided; and in the discharge of their duties, such returning officer and deputy returning officers shall, before holding the said election, take the oath or affirmation now required by law; and shall be respectively subject to all the provisions of the existing Municipal Acts applicable to returning officers at elections in towns, as far as the same do not conflict with this Act; and the said returning officer shall have all the powers and perform the several duties of town clerks with respect to municipal elections in towns.

Deputy re-
turning offi-
cers.

Municipal
Acts to apply
to returning
officers.

6. The clerk of the said township of Brant and any other officer thereof, shall, upon demand made to him by the said returning officer or any other officer of the said town, at once furnish the said returning officer or any other officer with a certified copy of so much of the last revised assessment roll for the said village and township as may be required to ascertain the persons entitled to vote at such first election, or with the collector's roll, document, writing, statement or deed that may be required; and the said returning officer shall furnish each of his said deputies with true copies of said roll, as far as the same relates to voters resident in the several wards in the said town, and so far as such assessment roll contains the names of the male freeholders and householders rated thereon, which copies shall be verified on oath or as is now required by law.

Voters rolls:

7. The council of the said town to be elected in manner aforesaid shall consist of the mayor, who shall be the head thereof, a reeve, and three councillors for every ward; and they shall be organized as a council on the same day of the week next following the week of the polling, or if there be no polling, on the same day of the week next following the week of the said nomination; and at subsequent elections in the same manner as in towns incorporated under the provisions of the Municipal Acts in Ontario; and have, use and exercise the powers and privileges vested in the mayor and councillors in incorporated towns.

Town council
how composed
and organized.

8. The several persons who shall be elected or appointed under this Act shall take the oaths of office and of qualification in the manner now prescribed by law, and in accordance with this Act.

Persons elect-
ed to take the
oaths of office.

Qualification
of electors,
mayor, reeve
and officers.

9. That at the first election of mayor, reeve and councillors of the said town, the qualification of the electors and of the reeve and officers required to qualify shall be the same as that required in townships, and that of the mayor shall be the same as that of the reeve in townships.

The town no
longer a part
of the town-
ship of Brant.

10. From and after the holding of the election under this Act, the said town shall cease to form part of the township of Brant, and shall to all intents and purposes, form a separate and independent municipality, with all the rights, privileges and jurisdiction of an incorporated town in Ontario; but the reeve for the town to be elected for the year one thousand eight hundred and seventy-one shall have no seat in the county council for the said year.

Apportion-
ment of assets
and liabilities.

11. The council of the said town shall be entitled to recover from the said township of Brant such share of all moneys on hand, due, owing and of right collectable by and belonging to the said township at and prior to the said time of incorporation, or thereafter, if entitled thereto, as shall bear such proportion to the whole as the amount of the assessed property within the limits of the said town as shown by the collector's roll of the year one thousand eight hundred and seventy bears to the whole amount of the assessed property of the said township; and the said town shall be liable to pay to the said township a share in the same proportion of all debts and liabilities existing against the said township at the time this Act shall come into force, as the same shall become due.

Hotel licenses.

12. Licenses, if wanted, shall be given to all the hotels now occupied, and complying with the present law, and in order to meet the demand for further hotel accommodation other good houses may be licensed as to the said council may seem necessary and the exigencies of the town require.

Expenses of
assessment for
the present
year.

13. The expenses of any assessment imposed for the present year, so far as the same shall relate to assessments made within the limits of the said town, and incurred to obtain this act, and of furnishing any documents, copies of papers, writings, deeds, or any matter whatsoever required by the clerk or other officer of the Council of the said township, or otherwise, shall be borne and paid by the said town council to the said township council, or any other party entitled thereto.

CAP. LXX.

An Act to Incorporate "The Toronto Union Passenger Station and Dock Company."

[Assented to 15th February, 1871.]

WHEREAS certain persons have by their petition represented that the present railway and steamboat passenger accommodation in the city of Toronto is manifestly inconvenient, the railway stations and the wharves at which the various steamers land their passengers being at long distances from each other, and have prayed that an Act might be passed incorporating a company by the name of "The Toronto Union Passenger Station and Dock Company," and whereas it is expedient to grant the prayer of the said petitioners: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Honorable George William Allan, Frank Smith, Esquire, Noah H. Barnhart, Esquire, Samuel Bickerton Harman, Esquire, John Wallis, Esquire, Angus Morrison, Esquire, Frank Shanly, Esquire, John Crawford, Esquire, the Honorable John Beverley Robinson, Alexander Manning, Esquire, Charles James Campbell, and Thomas Dick, Esquire, together with all such other persons and corporations as shall become shareholders of the company hereby incorporated, shall be and are hereby made and constituted a body corporate and politic, by and under the name and style of "The Toronto Union Passenger Station and Dock Company."

Preamble.

Incorporation

Corporate name.

2. The said Company shall have power to erect and build a central Union Railway Station, for the service of the several railways having termini or doing business in the said city of Toronto, with all such offices, buildings and appurtenances as are usual, convenient and necessary thereto; and also in connection with such station may construct and build all such wharves, docks, or other water accommodation necessary for the service of steamers and vessels sailing on Lake Ontario, and for facilitating the interchange of traffic between such vessels and the several railways at the said station: Provided always that the powers hereby conferred for the taking and holding of lands for the purposes of this Act shall be limited to lands, and lands covered with water, lying between Bay and John Streets, and south of Front Street, in the said city of Toronto.

Power to build a station and wharves.

Location for their erection.

3. The said the Honorable George William Allan, Frank Smith, Noah H. Barnhart, Samuel Bickerton Harman, John Wallis, Angus Morrison, Frank Shanly, John Crawford, the

Provisional Directors.

Honorable

Powers of.

Honorable John Beverley Robinson, Alexander Manning, Charles James Campbell, and Thomas Dick, with power to add to their number, shall be and are hereby constituted provisional directors of the said company, and shall hold office as such until other directors shall be elected under the provisions of this Act; and shall have power immediately after the passing of this Act, to open stock books and procure subscriptions for the undertaking; to make calls upon subscribers; to cause surveys and plans to be made and executed; and as hereinafter provided, to call a general meeting of the shareholders for the election of directors.

Capital stock.

4. The capital stock of the Company hereby incorporated shall be three hundred thousand dollars, to be divided into shares of one hundred dollars each, which amount shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money, so far as may be necessary, shall be applied to the acquirement of the lands, the building of the station and docks, and the other purposes of this Act, and to no other purpose whatsoever.

How to be applied.

General meeting for election of Directors, when to be called.

5. So soon as one-fifth part of the capital stock shall have been subscribed as aforesaid, and twenty per centum paid thereon and deposited in one of the chartered banks of this Province, for the purposes of the said Company, the provisional directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up twenty per centum thereof, for the purpose of electing directors of said company.

How the meeting may be called, if the provisional directors neglect to call same.

6. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed and twenty per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up twenty per centum and who are subscribers among them for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon.

Notice of the general meeting.

7. In either case, notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette* and in one newspaper in the city of Toronto, once in each week, for the space of at least one month; and such meeting shall be held in the city of Toronto, at such place therein and on such day as may be named by such notice.

Election of directors.

8. At such general meeting the subscribers for the capital stock assembled who shall have so paid up twenty per centum thereof

thereof with such proxies as may be present, shall choose seven persons to be the directors of the said Company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

9. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the Company, and unless he has paid up all calls thereon. Qualification of directors.

10. If at any time an election of directors be not made at the time appointed by this Act, the Company shall not be dissolved, and at any subsequent meeting of the shareholders to be duly called for that purpose, it shall be lawful to make such election, and the term of office of any retiring director or directors shall not be deemed to have expired till their successors shall have been elected. Company not to be dissolved in case of failure of election.

11. Every shareholder of one or more shares shall be entitled to one vote for every share held by him, and all persons or corporations holding stock shall be entitled to vote by proxy, but no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock held by such shareholder shall have been paid up at least one week before the day appointed for such meeting. Scale of votes.

12. The shareholders as such shall not be liable or responsible for any matter relating to or connected with said Company beyond the amount unpaid upon their shares in the stock thereof. Liability of shareholders.

13. The stock of the said Company shall be deemed personal property, and shall be assignable; but no transfer of any share shall be valid till entered in the books of the Company according to such forms as the directors may from time to time appoint; Provided always, that no shareholder indebted to the Company shall be permitted to make a transfer or receive a dividend till such debt be paid or secured to the satisfaction of the directors. Stock to be personalty and shall be assignable. Transfer of shares.

14. Thereafter, the general annual meeting of the shareholders of the said Company shall be held in such place in the city of Toronto, and on such days and at such hours as may be directed by the By-laws of the said Company; and public notice thereof shall be given at least fourteen days previously in the *Ontario Gazette* and in one or more newspapers published in the city of Toronto. Annual meetings, when and where to be held.

15. Special general meetings of the shareholders of the said Company may be held at such places in the city of Toronto, and at such times and in such manner and for such purposes as may be provided by the by-laws of the said Company. Special general meetings, when and where to be held.

Powers to acquire lands.

16. The said Company is hereby empowered to take, acquire, receive and hold between the streets in the city of Toronto hereinbefore named, such real estate in fee simple not exceeding of land ten acres and of lands covered with water ten acres as may be necessary for the erection of the said station, buildings, wharves and docks and appurtenances and the approaches thereto as herein provided; and may by their surveyors and engineers enter upon such sites and locations and take possession of the same; all such sites and locations shall be purchased of the owner or owners at a price to be mutually agreed upon; Provided always, that nothing herein contained shall be taken to authorize the entry upon or the acquirement of any lands now the property of, or in the occupation of the Grand Trunk Railway Company of Canada, except by agreement with the said Grand Trunk Railway Company.

Proviso as to Grand Trunk¹

Power to open, close up, and alter streets, etc.

17. The said Company shall have power with the consent and sanction of the corporation of the city of Toronto first had and obtained, to close up any streets or roads, to alter and divert the course of any existing streets and roads, and also to open and construct such new roads and streets as may be necessary to carry out the works of the Company or as the approaches to the said station, whether the same be for ordinary roads or railway tracks: Provided always, that the powers herein conferred are within the limits of the streets in the city of Toronto aforementioned.

Proviso.

Esplanade Act, power to alter agreement.

18. And whereas by a certain Act of the late Province of Canada, passed in the twenty-eighth year of the reign of Her Majesty Queen Victoria, chaptered thirty-four, and intituled "An Act to Legalize and Confirm an Agreement made between the Grand Trunk Railway Company of Canada, the Great Western Railway Company, and the Northern Railway Company of Canada relating to the Toronto Esplanade, and for other purposes therein mentioned," a certain agreement entered into between the said companies to define their rights towards each other in respect to the Esplanade in the City of Toronto, for the use thereof in the running of trains and other purposes, was confirmed and legalized, and made valid and binding on the said companies, the said company now incorporated shall have power by and with the consent and concurrence of the said several railway companies and the Corporation of the City of Toronto, to alter the arrangements entered into by the said agreement, and to enter into new agreements as may be necessary or expedient for the working and carrying out of the said undertaking, always reserving sufficient space for two or more tracks as may be agreed upon by the said railway companies as necessary for passing and repassing the said station and connecting the railway traffic east and west thereof.

Power to levy tolls, &c.

19. The said Company shall have power to levy all rates, tolls

tolls, and fees for the use of the said wharves, docks, and the appurtenances thereto in manner to be fixed and determined by a by-law of the said Company, and approved by the Lieutenant-Governor in Council.

20. The said Company shall have power to enter into arrangements by lease, agreement, or otherwise, with any railway, steamboat, or express companies and owners of vessels doing business at or with the said City of Toronto, or other persons or corporations for such accommodation for public traffic as may be mutually agreed upon.

Power to enter into certain agreements.

21. The president and directors for the time being, or a majority of them, shall have from time to time power to make such by-laws, rules, and regulations as to them shall appear necessary, namely, for the direction, conduct, and government of the said Company, and of its property, real and personal, and its improvement and regulation; for the appointment, regulation, and removal of officers and servants of the said company; for regulating the manner in which all contracts are to be entered into and executed by the said Company; and for the levying of tolls, and for the doing and performing every act, matter, and thing necessary to carry out the provisions of this Act; and for the working and carrying on of the said Company according to the intent and spirit thereof; Provided always, that nothing in this section shall be construed to interfere with the working of the said station by the said Railway Companies according to any agreement entered into with the said Companies.

Power to make by-laws.
Proviso.

22. The directors may at any time call upon the shareholders for such instalments upon each share which they or any of them may hold in the capital stock of the said Company, and in such proportion as they may see fit, except that no such instalment shall exceed ten per centum on the subscribed capital, and that thirty days notice of each call shall be given in such manner as the directors shall think fit; and it shall be lawful for the Company either by suit to enforce such calls with interest, or to forfeit and sell the shares whereon the same may be due for the payment of the amount due with interest.

Calls upon shares.
How enforced.

23 The said Company shall have power to make and execute mortgages, and to become parties to promissory notes and bills of exchange of not less than one hundred dollars each in such manner as may be provided by their by-laws without its being necessary to affix their corporate seal to the said notes or bills of exchange; and no officer affixing the corporate seal to any mortgage, or signing any note or bill in accordance with the by-laws of the Company, shall thereby incur any personal liability; provided that nothing herein shall be construed to authorize the Company to issue notes or bills of exchange payable to bearer, intended to be circulated as money or as the notes or bills of a bank.

Company may make mortgages, notes, and bills of exchange.

Form of conveyances.

Registrar's fee, how recorded.

Company may issue debentures.

Need not be registered.

Considered mortgagees.

Not to exceed certain amount.

Default.

Securities payable to bearer.

Company not bound to see to trusts.

24. Conveyances of lands to the said Company for the purposes of this Act may be made in the form set out in the schedule "A" hereunder written, or to the like effect; and such conveyances shall be registered by duplicates thereof in such manner and upon such proof of execution as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificate endorsed on the duplicate thereof.

25. The president and directors of the said Company, after the sanction of the shareholders shall have been first obtained at any special general meeting for that purpose, but limited to the terms of this Act, shall have power to issue debentures made and signed by the president of the said Company, and countersigned by the secretary, and under the seal of the said Company, for the purpose of raising money for prosecuting the said undertaking; and such debentures shall, without formal conveyance or registration, be taken and considered to be the first and preferential claims and charges upon the undertaking and property of the Company, real and personal, then existing or thereafter acquired; and each holder of such debentures shall be considered a mortgagee and incumbrancer *pro rata*, with all the other holders thereof upon the undertaking and property of the said Company; Provided the aggregate amount of such debentures shall at no time exceed the amount of the paid up instalments of its share capital, and the amounts actually expended on the works of the said Company, and the purchase of real estate, together with all such amounts, the interest on which are secured or guaranteed by lease or agreement entered into with the railway and steamboat companies respectively, or any of them, doing business in the said city of Toronto; And provided also, that if at any time the interest on the said debentures remains unpaid for a period of six months, then at the next annual meeting of the said Company after such default, all holders of such debentures shall have the same privileges and qualifications for directors and for voting as are attached to shareholders, provided that the debentures and the transfers thereof shall have been first registered in the same manner as is provided for the registration of shares.

26. All debentures, mortgages and other securities issued by the Company, and all dividends, and interest warrants, and coupons thereon respectively, which shall purport to be payable to bearer, shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof for the time being in their own names.

27. The Company shall not be bound to see to the execution of any trust, express, implied or constructive, to which any shares of its stock, mortgages, debentures, notes or bills of exchange may be subject; and the receipt of the party, or one of the parties, in

whose

whose name shares shall stand, or who holds any mortgage, debentures, notes or bills of exchange, shall be a sufficient discharge to the Company for any dividend or other money payable in respect of any shares, mortgages, debentures, notes, bills of exchange or other security.

28. The works contemplated and authorized by this Act shall be commenced within two years and completed within three years after the passing of this Act, or else the rights and privileges conferred upon the Company shall be forfeited.

Time within which to commence operations and complete same.

SCHEDULE "A."

Know all men by these presents that I (or we) (*insert also the name of wife or any other person who may be a party*), in consideration of dollars paid to me (*or as the case may be*) by "The Toronto Union Passenger, Station and Dock Company," the receipt whereof is hereby acknowledged, do grant and convey, and I, the said do grant and release, or do bar my dower in (*as the case may be*) all that certain parcel (*or*) those certain parcels (*as the case may be*) of land situate (*describe the land*), the same having been selected and laid out by the said Company for the purposes of their Station, to hold with the appurtenances unto the said "The Toronto Union Passenger, Station and Dock Company," their successors and assigns.

As witness my (*or our*) hand and seal (*or hands and seals*) this
day of one thousand eight hundred and

Signed, sealed and delivered in }
duplicate in the presence of }

[L. S.].

CAP. LXXI.

An Act to Incorporate the Georgian Bay Lumber Association.

[Assented to 15th February, 1871.]

WHEREAS by the petition of Eli Clinton Clarke, Alanson Sumner Page, Samuel White Bernard, Douglas Leland White, and Eli Clinton Clarke the younger, of Byng Inlet, in the district of Algoma, lumberers; it appears that certain persons trading under the name, style, and firm of Clarke, White, & Company, as manufacturers of lumber at Byng Inlet, on the Georgian Bay, own large and valuable property at said Inlet

Preamble.

Inlet and at other places, and also valuable and extensive mills, works, licences, leases and other valuable rights, privileges, and franchises, and whereas the said Clarke, White, & Company are desirous of selling and disposing of said property and rights to a company to be formed and created under and by virtue of this Act, and to be formed of the said petitioners and other persons with them for the purpose of more fully developing and carrying on their said manufactory, and whereas the said petitioners have prayed that an Act may be passed authorizing the formation of an association for such purposes, and that they may be incorporated under the title of "The Georgian Bay Lumber Association," for the purpose of manufacturing lumber and other products of wood, and also for the purpose of cutting, taking out, making, and carrying timber and saw logs for the purpose of such manufacture and sale, and for the buying and selling of lumber and timber and for the construction of all works, rail or tramways, mills, engines, dams, sluices, scows, schooners, vessels, and steamboats, and other works necessary for the carrying on of such works at Byng Inlet, in the Province of Ontario, and at other places in said Province, and whereas it is expedient to grant the prayer of the said petitioners: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- Incorporation** **1.** Eli Clinton Clarke, Alanson Sumner Page, Samuel White Bernard, Douglas Leland White, Eli Clinton Clarke, the younger, and such other persons as now are, or hereafter shall become shareholders of the said company shall be, and they are hereby made and constituted a body corporate and politic, by and under the name of "The Georgian Bay Lumber Association."
- Corporate name.**
- Capital stock.** **2.** The capital stock of the said company shall be three hundred thousand dollars, in shares of one hundred dollars each; such shares shall be and are hereby vested in the several persons who shall subscribe for the same, and be deemed personal estate, and shall be assignable at the places of business of the corporation, and according to such form as the directors shall prescribe; every shareholder shall be entitled to one vote for each share he may hold in the capital stock of the company, providing he held such share at least one month prior to the time of voting, and all such voting on such shares may be at all meetings of shareholders by proxy, and shall be by ballot.
- Objects of the company.** **3.** The said corporation is hereby constituted for the purpose of purchasing and acquiring from the said Clarke, White, & Company all lands, leases, licenses, timber limits, and all mills, works, timber, lumber, dams, schooners, vessels, and steamboats, and all other property, real or personal, and all other rights and privileges belonging to or enjoyed and owned by the said Clarke, White, & Company, in carrying on their works

works at Byng Inlet aforesaid, and at other places, upon such terms and conditions as may be agreed upon between the said corporation and the said Clarke, White, & Company, and may hold, use, and enjoy all such property, privilege, and rights for the purpose of carrying on said business under the provisions of this Act.

4. The said Eli Clinton Clarke, Alanson Sumner Page, Samuel White Bernard, Douglas Leland White, and Eli Clinton Clarke, the younger, shall be provisional directors of the said company, and shall severally hold their offices until the first election of directors, which first election shall take place so soon as the amount of stock is subscribed and the per centage thereon paid up; and for the purposes of the election the provisional directors herein named may appoint any place in the City of Toronto where such election may be held, by giving one month's previous notice, to be published in one or more daily papers in said city, at least three separate times and in the *Ontario Gazette*; such election to be by ballot; and said provisional directors shall have power to open stock books, receive subscriptions of stock or shares, direct how the same shall be paid, to receive payments thereon; and generally to do all matters and things necessary for the full organization and working of the company.

Provisional
directors.

First election
of directors.

Powers of pro-
visional direc-
tors.

5. The affairs of the company shall be under the control of and shall be managed and conducted by a board of not less than three, nor more than seven directors, of whom three shall form a quorum, for the transaction of business, and one of whom shall be elected president or managing director; and the directors to be elected under the provisions of this Act shall each be stockholders to an amount of not less than five thousand dollars, and shall be elected on the first Wednesday in the month of June of every year, after that in which the company goes into operation, at the city of Toronto, unless otherwise provided by the by-laws of the company; Provided that if the election of directors be not made on the day appointed by this Act, the company shall not for that reason be dissolved, but the stockholders may hold the election on any other day in the manner provided for by any by-law previously passed, either by the directors or stockholders for that purpose; and all legal acts of the directors, until their successors shall be elected, shall be valid and binding on the company; and all such elections shall be by ballot, by a plurality of the votes of the stockholders present or by proxy, each share to have one vote.

Board of direc-
tors, their
qualification
and election.

Proviso.

6. As soon as shares to the amount of one hundred thousand dollars of the capital stock of the said company shall have been subscribed, and ten per centum thereof paid up, the provisional directors shall call a general meeting of the subscribers for the said capital stock who shall have so paid up ten per centum thereof

General meet-
ing for first
election of
directors.

thereof, for the purpose of electing permanent directors of said company as herein provided.

Power to hold
lands.

7. The said company may, for the purpose of carrying on their business and for more fully carrying out the objects of this Act, acquire and hold by purchase, lease or other legal title, such lands, timber licenses and other property and rights, and construct and maintain such buildings, mills, steamboats, machinery and other improvements and works thereon, and sell, lease or otherwise dispose of the same, and acquire others in their stead, as the company may deem to be fit for its advantage.

Where the
business may
be carried on.

8. In addition to their ordinary places of business within this Province, the company may establish and have any place or places of business in the Dominion of Canada or in the United States of America, and may, at any one of them, direct, do and transact their affairs and business, or any thereof, the same as at their chief place of business, and subject to the provisions of the by-laws of the company made under the provisions of this Act.

Liability of
shareholders.

9. The shareholders of the said company shall not as such be held responsible for any act, default or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the company, beyond the amount of their respective shares in the capital stock thereof.

Execution of
contracts, etc.,
and liability
of directors
thereon.

10. All contracts, promissory notes, bills of exchange and engagements made on behalf of the company by the directors, officers, agents or servants of the company, in accordance with their powers under the by-laws or by vote of the company, shall be binding upon the company, and in no case need the seal of the company be affixed thereto, nor shall such directors, officers, agents or servants thereby become individually liable to any third party therefor; but the said company shall issue no bank note or note to circulate as money.

Powers of
directors.

11. The directors of the company shall have power and authority to make, amend, repeal and reenact all such by-laws, rules, resolutions and regulations as shall appear to them proper and necessary touching the well ordering of the company; the number of its directors, the qualifications and a quorum thereof; the making of calls; the acquisition, arrangement and disposition of its stock, property and effects, and of its affairs and business; the entering into arrangements and contracts with the municipalities or other corporations or individuals, with which they may carry on their said business; the declaration and payment of dividends; the form and issuing of stock certificates, transfers and registration; the allotment and forfeiture of stock; the calling of special and general meetings

of

of the company : the appointment, removal and remuneration of all officers, agents, clerks, workmen and servants of the company ; the issuing and redemption of the debentures of the company that may be issued under the clauses of this Act ; and generally to do all that may be necessary to carry out the objects and exercise the powers incident to the company.

12. The stock of the company shall be deemed personal estate, and shall be transferable in such way as the directors shall by by-law direct. Stock to be personalty.

13. The company is hereby authorized to increase their capital stock whenever a majority of the stockholders called as provided in the thirty-ninth section of the Act of the late Province of Canada, passed in the twenty-second year of the reign of Her present Majesty, and chaptered sixty-three, shall decide to make such increase ; and the provisions of the said Act for increasing the capital stock from section thirty-nine to section forty-six, both inclusive, are hereby incorporated with this Act in so far as they are not inconsistent with the same. Increase of capital stock.

14. The directors may from time to time borrow for the purposes of the company any sum or sums of money by the issue of bonds or debentures in sums of not less than one hundred dollars, on such terms as they may think proper, and may pledge all the property of the said company, income of the same, or any part thereof, for the repayment of the money so raised or borrowed, and the payment of the interest thereon ; Provided always, that the consent of three-fourths in value of the stockholders of the company shall be first had and obtained at a special meeting to be called and held for that purpose, of which the like notice shall be given as aforesaid ; Provided also, that the said company shall not be authorized at any time to borrow a sum not exceeding the amount of the capital stock then paid up. Power to borrow money.

15. It shall be the duty of the directors of the corporation to make yearly, or half-yearly dividends of so much of the profits of the said company as to them may seem advisable. Dividends.

CAP. LXXII.

An Act to incorporate "The Ontario Sugar Refining Company."

[Assented to 15th February, 1871.]

Preamble.

WHEREAS John Armstrong Aldwell, of the City of Toronto, esquire, is about building a sugar refinery for the purpose of refining sugar from raw or unrefined sugar, molasses, beet roots, or other roots or substances capable of being manufactured into merchantable refined sugar, and has certain leases, rights and privileges within the limits of the said city to be used in carrying on said business, and of which business he is the sole proprietor, and has invested a large amount of capital therein, and whereas the said John Armstrong Aldwell is desirous of associating other parties with himself for the purpose of erecting said buildings, putting up machinery, and for carrying on said business of sugar refining, and whereas the said John Armstrong Aldwell, for the purpose of securing greater efficiency in carrying on said business, is desirous of obtaining an Act of Incorporation, and whereas it is expedient that the prayer of his petition to that effect be granted; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. John Armstrong Aldwell, of the City of Toronto, esquire, R. F. Raynes, of the City of Montreal, esquire, Henry H. Howland, of the City of Toronto, esquire, Thompson Smith, of the City of Toronto, esquire, George Laidlaw, of the City of Toronto, esquire, Thomas D. Aldwell, of the City of Toronto, esquire, together with all such persons as may hereafter become shareholders in the company hereby created, shall be, and they are hereby made and constituted, a body corporate and politic, by and under the name of "The Ontario Sugar Refining Company;" and may by that name sue and be sued, implead and be impleaded, answer and be answered, defend and be defended in all courts of law and equity; and by that name they and their successors shall have perpetual succession and may have a common seal, and may change and alter the same at pleasure; may acquire for themselves and successors under any legal title whatsoever property real and personal; may alienate, sell, convey, lease or otherwise dispose of the same or any part thereof from time to time as occasion may require, for such price or prices and on such terms and conditions as they may see fit; and may, should they see fit, acquire other real and personal estate for the purposes of this Act; Provided always, that the real estate held by the said corporation at any one time shall not exceed in annual value the sum of fifteen thousand dollars.

Corporate name.

Powers to acquire real and personal property.

2. The said corporation is hereby constituted for the purpose of purchasing and acquiring from the said John Armstrong Aldwell all lands, leases, plans, charters, documents, privileges, and real and personal estate, good will and interest in the said business upon such terms and conditions as may be agreed on between the said corporation and the said John Armstrong Aldwell, and for the purpose of carrying on the said business of sugar refining, and to deal in and vend all articles of merchandize or other commodities connected therewith.

Object of the company.

3. The capital stock of the said company shall be two hundred and fifty thousand dollars, in five thousand shares of fifty dollars each, which shares shall be and are hereby vested in the several persons who shall subscribe for the same, and be deemed personal estate, and shall be assessable at the place of business of the corporation, and according to such form as the directors shall prescribe. Every shareholder shall be entitled to one vote for each share he may hold in the capital stock of the company at least one month prior to the time of voting.

Capital stock.

Scale of votes.

4. The company may commence operations, and may exercise the powers hereby granted so soon as eighty thousand dollars of the capital stock shall be subscribed, and twenty thousand dollars or one-fourth of said eighty thousand dollars shall be paid.

Time for commencement of operations.

5. John Armstrong Aldwell, R. F. Raynes, Henry H. Howland, George Laidlaw and Thomas D. Aldwell, as aforesaid, shall be provisional directors, and as such authorized to conduct and carry into effect all business on behalf of the said company upon such terms as may be agreed on between the said provisional directors and the said John Armstrong Aldwell; and for the purchase and acquisition on behalf of the company of all matters mentioned in the second section of this Act; and for the carrying out of the same upon such conditions and terms as may be agreed on between the said provisional directors and the said John Armstrong Aldwell; and as soon as the agreement for such purchase and acquisition shall have been completed, the said provisional directors, three of whom shall form a quorum, shall have power to manage the affairs of the company, until the directors under the provisions of this Act shall be elected in their presence; and the said provisional directors shall have power to open stock books, receive subscriptions of stock or shares; and generally to do all matters and things necessary for the full organization and working for the company; the shares of the capital stock subscribed for shall be paid in by such instalments and at such times and places as the provisional directors shall appoint.

Provisional directors and their powers.

6. The said provisional directors shall severally hold their offices until the first election of directors, which first election shall

Election of directors.

shall take place as soon as the amount of stock is subscribed, the per centage thereon paid up as in section four of this Act; and such election shall take place in the City of Toronto, and shall be by ballot, and notice of such election shall be given by three several advertisements in one or more of the Toronto daily papers, and in the *Ontario Gazette*, one month previous to such election.

Board of directors, their qualification and election.

7. The affairs of the Company shall be under the control of, and shall be managed and conducted by a board of not less than three, nor more than seven directors, of whom three shall form a quorum for the transaction of business, and one of which shall be elected president or managing director; and the directors to be elected under the provisions of this act shall each be stockholders to an amount of not less than one thousand dollars, and shall be elected on the first Wednesday in the month of July of every year, after that in which the company goes into operation, at the city of Toronto, unless otherwise provided by the by-laws of the company; provided that if the election of directors be not made on the day appointed by this act the company shall not for that reason be dissolved, but the stockholders may hold the election on any other day in the manner provided for by any by-law previously passed, either by the directors or stockholders for that purpose; and all the acts of the directors, until their successors shall be elected, shall be valid and binding on the company; and all such elections shall be by ballot, by a plurality of the votes of the stockholders present or by proxy, each share to have one vote.

Powers of corporation as to lands.

8. The said corporation may, for the purpose of carrying out their business and more fully carrying out the objects of this act, acquire and hold by purchase, lease or otherwise, such lands, tenements, rights, and property, and build and construct such houses, buildings, and works as the Company may deem to be for its advantage, subject to the restriction herein contained.

Liabilities of shareholders.

9. The shareholders of the said company shall not, as such, be held responsible for any act, default, or liability whatsoever of the company, or for any claim, engagement, payment, loss, injury, transaction, matter, or thing whatsoever relating to or connected with the company, beyond the amount of their respective shares in the capital stock thereof.

Contracts, bills, notes, &c. made by the corporation.

10. All contracts, promissory notes, bills of exchange, and engagements made on behalf of the company by the directors, officers, agents, or servants of the company in accordance with their powers under the by-laws or by vote of the company shall be binding upon the corporation, and in no case need the seal of the company be affixed thereto, nor shall such directors, officers, agents, or servants thereby become individually liable to any third party therefor; but the said company shall issue no bank note or notes to circulate as money.

11. The directors of the company shall have power and authority to make, amend, repeal, and re-enact all such by-laws, rules, resolutions and regulations as shall appear to them proper and necessary, touching the well-ordering of the company, the number of its directors, their qualifications, and a quorum thereof; the making of calls, the acquisition, arrangement and disposition of its stock, property and effects, and of its affairs and business; the entering into arrangements and contracts with the municipalities or other corporations or individuals; the declaration and payment of dividends; the form and issuing of stock certificates, transfers and registration; the allotment and forfeiture of stock; the calling of special and general meetings of the company; the appointment, removal and remuneration of all officers, agents, clerks, workmen and servants of the company; and generally to do all that may be necessary to carry out the objects and exercise the powers incident to the company.

Power of directors to make by-laws.

12. The company is hereby authorized to increase their capital stock whenever a majority of the stockholders, called as provided in the thirty-ninth section of the Act relating to Joint Stock Companies, passed in the twenty-second year of Her present Majesty's reign and chaptered sixty-three, shall decide to make such increase, and the provisions of the said Act for increasing the capital stock from section thirty-nine to section forty-six, both inclusive, are hereby incorporated with this Act in so far as they are not inconsistent with the same.

Capital stock may be increased.

13. The directors may from time to time borrow for the purposes of the company any sum or sums of money, not in the whole exceeding one hundred thousand dollars, by the issue of bonds or debentures in sums of not less than one hundred dollars, on such terms as they may think proper; and may pledge all the property income of the property, or any part thereof, for the repayment of the money so raised or borrowed and the payment of the interest thereon: Provided always, that the consent of three-fourths in value of the stock holders of the company shall be first had and obtained at a special meeting to be called and held for that purpose, of which the like notice shall be given as aforesaid: Provided also, that the said company shall not be authorized at any time to borrow a sum not exceeding the amount of the capital stock then paid up.

Directors may borrow money.

Proviso.

Proviso.

14. It shall be the duty of the directors of the corporation to make half-yearly dividends of so much of the profits of the said company as to the majority of them may seem advisable.

Dividends.

15. The directors, including the president, shall be entitled to such emolument for their services as may be fixed by resolution passed at a general meeting of the shareholders.

Remuneration to president and directors.

Notices, how
to be given.

16. The notices by this Act required to be given may be given by advertisement in one or more of the daily newspapers published in the City of Toronto, and in the *Ontario Gazette*, and if so given shall be deemed sufficient notice for any of the purposes in this Act mentioned.

Shares held in
trust.

17. The corporation shall not be bound to see to the execution of any trust whether expressed, implied or constructive, to which any of the shares of its stock shall be subject.

CAP. LXXIII.

An Act to incorporate The Queen City Fire Insurance Company.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS the Honorable William McDougall, C.B., John Turner, Esquire, Robert W. Elliot, Esquire, Robert G. Barrett, Esquire, James B. Boustead, Esquire, James McLennan, Esquire, and William H. Howland, Esquire, have by their petition prayed for the incorporation of a company in the name, style and title of "The Queen City Fire Insurance Company," for the purpose of insuring property against loss or damage by fire within the Province of Ontario, and whereas such companies are greatly beneficial to the interests of this Province, and tend to the retaining therein a large portion of the moneys annually sent away as premiums for such insurances; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Incorporation.

1. All persons who now are, and shall hereafter become stockholders of the said association, shall be, and are hereby ordained, constituted and declared to be a body corporate and politic in law, in fact, and in name, by the style and title of "The Queen City Fire Insurance Company," and shall be capable in law of purchasing, holding or conveying any estate real or personal, for the use of the said corporation, subject to the rules and conditions hereinafter mentioned.

Name of com-
pany.

Shares to be
\$50 each, and
capital \$100,-
000.

Proviso—cap-
ital may be in-
creased.

2. A share in the stock of the said company shall be fifty dollars; and the capital of the company shall be one hundred thousand dollars; and books of subscription shall be opened in the city of Toronto under such regulations as the majority of the directors hereby appointed shall direct; Provided always, that it shall and may be lawful for the said corporation to increase its capital stock to a sum not exceeding two hundred and fifty thousand dollars as a majority of the stockholders at

a meeting to be expressly convened for that purpose shall agree upon.

3. It shall be lawful for any person or persons, bodies politic or corporate, to subscribe for such and so many shares as he, she, or they may think fit, and ten per centum may be called for by the directors as soon as they deem it expedient, and the remainder may be called for in such instalments as a majority of the directors may determine upon, but such instalments shall not be called for or become payable in less than sixty days after public notice shall have been given in the *Ontario Gazette*, and in at least one newspaper published in the city of Toronto; and if any stockholder or stockholders, as aforesaid shall refuse or neglect to pay to said directors, or to such person or persons as they may appoint and at such place the instalments so to be called for, due, or to become due, upon any share or shares held by him, her or them at the time and place required, such stockholder or stockholders as aforesaid shall forfeit such share or shares as aforesaid, at the option of the directors; and such forfeited share or shares may be sold by the said directors after such notice to the holder thereof as they may direct, and the moneys arising from such sale shall be applied for the purposes of this Act; Provided always, that the directors or corporation aforesaid shall have power to enforce such calls or payments by law.

Forfeiture of shares for non-payment.

Proviso—company may enforce payment.

4. If payment of such arrears of calls, interest, costs and expenses be made before any share or share so forfeited and vested in the company shall have been sold, such share or shares shall revert to the person or persons to whom the same belonged before such forfeiture as if such calls had been duly paid.

Shares to revert to holders on payment before sale.

5. And it shall only be necessary to prove in case of action for arrears of calls, that the defendant was the owner of one or more shares in the company, that such calls were in fact made, and that notice was given as directed by this Act; and it shall not be necessary to prove the appointment of the directors who made such calls, or any other matter whatsoever.

Proof in actions for calls.

6. The corporation hereby created and erected shall have power and authority to make and effect any contract or contracts of insurance with any person or persons, bodies politic or corporate, against loss or damage by fire, on any house, store, building, ship, boat, shipping or other erection, or any goods and chattels or personal estate whatever, under such modifications and restrictions as may be bargained or agreed upon or set forth, and to cause themselves to be re-insured against any loss or risk they may have incurred in the course of their business; and generally to do and perform all necessary matters and things connected with and proper to promote or carry out those objects;

Company to have power to insure.

Proviso.

Provided always that all risks insured against shall be within the County of York, in the Province of Ontario.

Power to hold real estate.

Proviso.

Power as to investments.

7. The said corporation shall be in law capable of acquiring by purchase, lease or otherwise, and of holding absolutely, any lands or tenements for their actual use and occupation in the course of their business, and may sell, let, convey, transfer and dispose of, as to them shall seem expedient; Provided always, that nothing in this Act shall be considered as permission to hold, permanently, any real estate beyond the annual value of ten thousand dollars; and the said corporation may also hold such real estate as shall have been *bona fide* mortgaged to them by way of security, or conveyed to them in satisfaction of debts or judgments which shall have been obtained for such debts; and it shall be lawful for the said corporation to purchase and hold, for the purpose of investing therein any part of their funds or money, any of the public securities of the Dominion of Canada, or of any of the Provinces forming, or to form said Dominion, the stocks of any of the banks or other chartered companies of the Dominion, and the bonds of, and debentures of, any of the incorporated cities, towns or municipal corporations of Ontario; and also to sell and transfer the same, and again to renew such investments when and so often as a due regard to the interests of said corporation may require; and also to make loans of the funds of the corporation on mortgage at any legal rate of interest, with power to receive such interest in advance or otherwise, and the same investment to call in and re-loan as occasion may require.

Board of directors.

8. The property, business and affairs of the company shall be managed by a board of not less than five, nor more than seven directors, which board in the first instance and until others shall be chosen and appointed as hereafter provided, shall consist of the persons mentioned in the preamble of this Act.

Election of new directors.

Qualification of directors.

Proviso:

9. So soon as the whole capital stock of said company shall have been subscribed for and taken up, and ten per centum thereof shall have been paid into some one or more of the chartered banks in the Province of Ontario to the credit of the company, it shall and may be lawful for the shareholders to proceed to the election of directors by ballot at such time and place as the directors hereby appointed shall appoint, giving at least ten days notice in some newspaper published in the city of Toronto; and the said directors shall be elected by a majority of the votes of the stockholders then present at such meeting, and hold office until the first annual meeting of the company shall take place; and they and all subsequently elected directors shall also be at the time of their election respectively, and during their continuance in office stockholders to the amount of not less than twenty shares of the stock of the company on which all calls due have been paid, and shall have power to choose from among themselves a President and Vice-president; Provided always, that

that the said company shall establish no agency or agencies outside of the city of Toronto; and until the said one hundred thousand dollars of stock shall be subscribed, and ten per centum paid thereon, and Directors elected under this clause, the said company shall not take any risk or do any business of an insurance company.

10. Each stockholder shall be entitled to one vote for each share of the capital stock of the company on which all calls due have been paid, which he, she or they shall have held in his, her or their name or names, at least one month prior to the time of voting; and all votes given at any meeting of the stockholders shall be given in person by the party so voting; and every proposition at such meeting shall be decided by a majority of the votes of the stockholders present.

Stockholders to have a vote on each share.

11. If any director shall die, resign, or in any way become disqualified or incompetent to act as a director, the remaining directors, if they think fit, may elect in his place some stockholder duly qualified to be a director, but in no event shall the number of directors be less than five.

Vacancies in the office of director.

12. A general meeting of the shareholders of the company shall be held at the city of Toronto on such day, and at such place, each and every year, as a majority of the directors may appoint, giving at least ten days notice thereof in some newspaper published in the city of Toronto; and at such meeting all the directors shall be held to vacate their seats; and the stockholders present at such meeting shall proceed to elect by ballot directors to serve for the ensuing year; Provided always, that nothing herein contained shall be held to render the retiring directors ineligible for re-election.

Annual meeting for the election of directors.

Proviso.

13. At the annual general meeting of the company and before the shareholders then assembled, the board of directors shall exhibit a full and unreserved statement of the affairs of the company, of the funds, property and securities, shewing the amount in real estate and mortgages, and other securities, or in public debt or other stock, and the amount of debt due to and by the said company.

Annual statement.

14. If it shall happen from any cause at any time, that an election of directors shall not take place at the proper time and place, pursuant to this Act, the company shall not be held to be thereby dissolved, but such election may take place at any general meeting of the company duly called for that purpose, and the retiring directors shall continue in office until their successors are appointed.

Provision in case directors are not appointed at the proper time.

15. Any member of the directors of the company, being a majority thereof, shall have full power and authority to make, prescribe and alter such by-laws, rules or ordinances and regulations

Powers of directors as to by-laws, etc.

gulations as shall appear to them right, proper and needful, touching the government, management, and well ordering of the company, its business, affairs, servants and agents, the rates and amount of insurance, the issuing of policies, the management and disposition of its stock, property, estate and effects; and also to call in any instalment or instalments of the subscribed stock thereof, at such times or seasons, and in such manner as they may see fit, giving due notice thereof, as hereinbefore provided; and also, to declare and cause to be paid or distributed to the respective stockholders of the company, any dividend or dividends of profit, at such times and seasons, as they shall deem expedient; and also to appoint a managing director, secretary, treasurer, and other officers, or any of them, with such salary or allowance to each, as may be thought reasonable and be agreed upon, and to take security for the due performance of their respective duties, as such directors shall think advisable: Provided always, that for the purposes in this section mentioned, a majority of the directors shall be present, except as hereinafter specially provided.

Proviso.

Meetings of directors.

Proviso.

Compensation to directors.

Policies, etc., how executed.

Transfer of shares.

16. There shall, as may be fixed by the by-laws of the company, be a weekly, monthly, or semi-monthly meeting of the board of directors of the said company; and any three or more of the directors shall be a quorum, for the purpose of managing and transacting the details of the business and affairs of the company; and at all meetings of the board of directors all questions before them shall be decided by a majority of the voices or votes, and in case of an equality of votes, the president, vice-president, or presiding director, shall give the casting vote over and above his proper vote as a director: Provided always, that nothing in this section contained shall authorize interference with any matter elsewhere in this Act specially provided for.

17. The directors for the time being shall receive a reasonable compensation for their attendance at the board, to be paid out of the funds of the company, and to be ascertained and determined by a by-law or rule of the board; and the said directors shall not be answerable for, or chargeable with, the defaults, neglect or misdeeds of others of them.

18. All policies, deeds, cheques, mortgages, leases, bonds and other instruments issued or entered into by the said company, shall be signed by the president, vice-president or managing director, and countersigned by the secretary or other officer of the company as may be by said directors from time to time ordered and agreed upon by by-law or ordinance of the company in the absence of such persons, and being so signed and countersigned shall be held to be binding upon the company, according to the tenor and meaning thereof.

19. No transfer of any share of the company shall be binding or valid until entered in the books of the company according

ing to such form as the directors shall from time to time appoint and determine upon: and until the whole of the capital stock of the company is paid up, it shall be necessary to obtain the consent of the directors to such transfer being made; and whenever entry is made in such books, of any transfer of stock not fully paid up, to a person not being of apparently sufficient means, the directors assenting to such transfer shall be liable in the same manner and to the same extent as the transferring shareholder but for such entry would have been: Provided always, Proviso. that no stockholder indebted to the company shall be permitted to make a transfer or receive a dividend, or vote on his stock, until such debt is paid, or secured to be paid, to the satisfaction of the directors.

20. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share; and the receipt of the stockholder, his attorney, or agent, in whose name the same may stand in the books of the company, shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, and whether or not notice of such trust has been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipt. Company not to be liable to see to the execution of trusts in respect of shares.

21. Every executor, administrator, tutor, curator, guardian or trustee, shall represent the stock in his hands at all meetings of the company, and may vote accordingly as a shareholder. Executors, etc., may vote.

22. No person being secretary, clerk, accountant, book-keeper or other officer of the company, shall be guilty of any designed falsehood, or fraud in any matter or thing pertaining to his office or duty, or falsely personate another. Fraud to be misdemeanor.

23. Every stockholder shall be individually liable to the company and to the creditors thereof, for an amount equal to the amount unpaid on the stock held by him, her, or them, for the debts and liabilities thereof, and for no other or further amount or liability. Liability of stockholders.

24. No dividends shall be paid out of stock, and none shall be paid except from the genuine net profits of the company, its business, and investments. Dividends how to be paid.

25. If the directors of the company declare and pay any dividend when the company is insolvent, or any dividend the payment of which renders the company insolvent, or diminishes the capital stock thereof, the directors declaring such dividend shall be jointly and severally liable as well to the company as to the individual shareholders and creditors thereof, for the amount of the dividend or dividends so paid; Provided always, that nothing herein contained shall be held to make any director present Penalty for paying dividend when company is insolvent. Proviso.
at

at such meeting protesting against the declaration of any dividend and payment of same, liable under this section.

Act not to be
forfeited for
non-user be-
fore 1st Janu-
ary, 1875.

26. This present Act shall in no wise be forfeited for non-user at any time before the first day of January, one thousand eight hundred and seventy-five.

CAP. LXXIV.

An Act to amend the Act Incorporating the Napanee River Improvement Company.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS a certain Act was passed by the Legislature of the Province of Canada, in the session held in the twenty-ninth and thirtieth years of Her Majesty's reign, and chaptered eighty-four, incorporating the owners or occupants of mills along the course of the Napanee River and its tributaries, as a company, under the name of the Napanee River Improvement Company, for the purpose of erecting reservoirs and of improving and increasing the supply of water in the Napanee River for manufacturing purposes, and whereas, the said company have petitioned that their Act of incorporation may be amended by giving them power to assess and collect from the owners of mills or manufactories using the waters along the course of the Napanee River or its tributaries the sum of two cents in the dollar on the gross value of such mills or manufactories, and also to borrow money by debenture for the purposes of said company: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

29 & 30 Vic.,
c. 84, s. 11,
amended.

1. That section eleven of said Act be repealed, and the following be substituted therefor, viz: "Provided always that the amount so assessed annually shall not exceed two cents in the dollar on the gross assessed value of the same as provided for in section ten."

Sec. 14 amend-
ed.

2. That the following words be added to section fourteen of said Act, viz: "And that for the purposes aforesaid, the said corporation shall have power to borrow money by debenture, under the seal of the said corporation, signed by the chairman and countersigned by the secretary thereof, and making said money due in sums not exceeding one thousand dollars annually; Provided always, that the said sum or sums of money shall not be so borrowed, unless by the approval of a two-third vote of said mill owners or manufacturers entitled to vote at the

the annual meeting of said company held, as provided in section six, on the second Monday in January in each and every year."

CAP. LXXV.

An Act to Incorporate the "Simpson Loom Company" (Limited).

[Assented to 15th February, 1871.]

WHEREAS one Charles Graham Chappell Simpson, of the City of Montreal, in the Province of Quebec, mechanical engineer, claiming and representing himself to be the original inventor of certain new and useful improvements on Knitting Machines for causing them to work with less friction, to be called or known as "Simpson's Knitting Machine," and being desirous of obtaining letters patent to be issued to him, securing him within the Dominion of Canada the benefits of the said invention, did for that purpose duly deposit in the office of the Minister of Agriculture, in pursuance of the provisions of the Statute of the Dominion of Canada, intituled, "An Act respecting Patents of Invention," a full description and specification and drawing of the said invention; And whereas, by letters patent under the great seal of the Dominion of Canada, dated the thirty-first day of October in the year of our Lord one thousand eight hundred and seventy, the sole and exclusive right and liberty of making, constructing, using and vending to others to be used the said invention, were granted to the said Charles Graham Chappell Simpson and his lawful representatives and assigns for the term of five years from the date of such letters patent; And whereas, by an indenture bearing date the ninth day of November in the year of our Lord one thousand eight hundred and seventy, and made between the said Charles Graham Chappell Simpson and one William Henry Abel hereinafter named, it is witnessed that for the consideration therein mentioned, the said Charles Graham Chappell Simpson did sell, assign, transfer and set over unto the said William Henry Abel all the right, title and interest of the said Charles Graham Chappell Simpson in the one undivided half part of the said invention, and in the said letters patent securing the same, to have, hold, possess and enjoy the same unto the said William Henry Abel and his assigns, for the full end and term for which the said letters patent were granted, and for the term of any extension thereof; And whereas, by an indenture bearing date the said ninth day of November in the year of our Lord one thousand eight hundred and seventy, and made between the said Charles Graham Chappell Simpson and one Henry William Boardman hereinafter mentioned, it is witnessed that, for the consideration therein mentioned, the said Charles Graham

Preamble.

Indenture,
9th Nov. 1870.

Indenture,
9th Nov. 1870.

Indenture,
16th Dec. 1870.

Graham Chappell Simpson did sell, assign, transfer and set over unto the said Henry William Boardman all the right, title and interest of the said Charles Graham Chappell Simpson in the other one undivided half part of the said invention, and in the letters patent securing the same, to have, hold, possess and enjoy the same unto the said Henry William Boardman and his assigns, for the full end and term for which the said letters patent were granted, and for the term of any extension thereof; And whereas, by a further indenture bearing date the sixteenth day of December, one thousand eight hundred and seventy, and made between the said William Henry Abel and Henry William Boardman of the first part, and William Barber, Robert Barber, Richard Hurst, and the said William Henry Abel and Henry William Boardman, and Charles Albert Shaw, William Alonzo White, John Garvin, R. G. Trotter, Joseph Simpson, David Morrice, John Turner, William Myers, Luther Cheyne, James Crombie, Thomas Henry Ince, Frederick William Coate, J. S. Playfair, Alexander Fraser, George F. Bostwick and John Fiskien of the second part, it is witnessed, that for the consideration therein mentioned, the said William Henry Abel and Henry William Boardman did assign, transfer and set over to the said last named parties, their administrators and assigns, the said invention and the said letters patent (excepting the shares by them, the said William Henry Abel and Henry William Boardman, retained in and for the Provinces of Ontario and Quebec, and every benefit profit and advantage thereto appertaining), to have and to hold the same unto the said parties for the term for which the said letters patent are granted, and any extension thereof, in the following proportions or shares, namely, the said William Barber five hundredth parts, the said Robert Barber five hundredth parts, the said Richard Hurst two hundredth parts, the said William Alonzo White two hundredth parts, the said John Garvin two hundredth parts, the said Robert Godall Trotter one hundredth part, the said Joseph Simpson two hundredth parts, David Morrice two hundredth parts, John Turner four hundredth parts, Charles Albert Shaw twelve hundredth parts, William Henry Abel twelve hundredth parts, Henry William Boardman twelve hundredth parts, William Myers two hundredth parts, Luther Cheyne one hundredth part, James Crombie ten hundredth parts, Thomas Henry Ince ten hundredth parts, Frederick William Coate two hundredth parts, John Spiers Playfair five hundredth parts, Alexander Fraser five hundredth parts, George F. Bostwick two hundredth parts and John Fiskien two hundredth parts; And whereas, by an indenture, bearing date the twentieth day of December in the year of our Lord one thousand eight hundred and seventy, and made between the said William Henry Abel, Charles Albert Shaw, Henry William Boardman and the said William Barber, it is witnessed that, for the consideration therein mentioned, the said William Henry Abel, Charles Albert Shaw and Henry William Boardman did assign, transfer and set over unto the said William Barber all their right, title and

Indenture,
20th Dec. 1870.

and interest to fourteen one hundredth parts of the said invention and the said letters patent, securing the same for, to and in the said Provinces of Ontario and Quebec, to have and to hold, possess and enjoy the same unto the said William Barber and his assigns, as fully and effectually as the same were enjoyed by the said William Henry Abel, Charles Albert Shaw and Henry William Boardman; And whereas, by an indenture, bearing date the twenty-first day of December, in the year of our Lord one thousand eight hundred and seventy, and made between the said Charles Albert Shaw, William Henry Abel and Henry William Boardman and one Frederick Augustus Ball hereinafter named, it is witnessed that, for the consideration therein mentioned, the said Charles Albert Shaw, William Henry Abel and Henry William Boardman did assign, transfer and set over unto the said Frederick Augustus Ball all their right, title and interest to two one hundredth parts of the said invention and the said letters patent securing the same for, to and in the said Provinces of Ontario and Quebec, to have, hold, possess and enjoy the same unto the said Frederick Augustus Ball and his assigns as fully and effectually as the same were enjoyed by the said Charles Albert Shaw, William Henry Abel and Henry William Boardman; And whereas, by an indenture, bearing date the nineteenth day of December in the year of our Lord one thousand eight hundred and seventy, and made between the said Charles Albert Shaw, William Henry Abel and Henry William Boardman and one Robert Thompson hereinafter named, it is witnessed that, for the consideration therein mentioned, the said Charles Albert Shaw, William Henry Abel and Henry William Boardman did assign, transfer and set over unto the said Robert Thompson all their right, title and interest to sixteen one hundredth parts of the said invention and the said letters patent securing the same for, to and in the said Provinces of Ontario and Quebec, to have, hold, possess and enjoy the same unto the said Robert Thompson and his assigns as fully and effectually as the same were enjoyed by the said Charles Albert Shaw, William Henry Abel and Henry William Boardman; And whereas, the said William Henry Abel, Henry William Boardman, Charles Albert Shaw, William Barber, Robert Barber, James Crombie, Thomas Henry Ince, John Spiers Playfair, Alexander Fraser, John Turner, Richard Hurst, William Alonzo White, John Garvin, Joseph Simpson, David Morrice, George Ferrier Bostwick, John Fiske, Robert Godall Trotter, Luther Cheyne, William Myers, Frederick Augustus Ball, Robert Thompson and Frederick William Coate, by an indenture executed by and under their respective hands and seals, bearing date the twenty-fourth day of December, in the year of our Lord one thousand eight hundred and seventy, have mutually agreed between themselves and with each other to form themselves into a Company, and for that purpose to apply to the Legislature of the Province of Ontario for a special Act incorporating them as a Company, for the purpose of manufacturing, selling and buying Simpson's Knitting Machines, in

Indenture,
21st Dec. 1870.

Indenture,
19th Dec. 1870.

Indenture,
24th Dec., 1870

the

the manner and after the plan contemplated by the said letters patent, and of working the same, and of making cloth and other fabrics thereby, and of selling the said cloth and fabrics and of vending, and vending to others to be used the said invention and the said patent rights, and of working thereunder as may appear to be desirable and advantageous; And whereas, for that purpose they have agreed to subscribe, and have subscribed among themselves, the capital sum of sixty thousand dollars, divided into six hundred shares of one hundred dollars each, which are by the said indenture appropriated among the several parties thereto in certain shares therein mentioned, that is to say, ratably according to the respective amounts by them subscribed for, under the said indenture, towards the raising and taking up the said sum of sixty thousand dollars, five-sixths of which shall not be liable to any call but shall be deemed to be fully paid-up shares, the same being taken and accepted by the said parties as payment of the sum of fifty thousand dollars agreed to be paid to them for the assignment by them to the said Company of the said letters patent and the said privileges thereby granted; And whereas, it was by the said last mentioned indenture provided and agreed, that the said several parties thereto should pay the respective sums by them subscribed towards raising the sum of ten thousand dollars, balance of the said capital stock of sixty thousand dollars, in the manner following, that is to say; the sum of one thousand dollars in proportion to their said subscriptions as and when the same shall be called for by the said Frederick William Coate hereinafter named as trustee, and the balance or sum of nine thousand dollars at the times and in the manner provided for in this Act; And whereas, it was by the said last recited indenture provided, that if the said proposed company should be duly incorporated before the whole of the said instalments of one thousand dollars should be paid in the manner by the said recited indenture provided, the same or such as should then remain unpaid, should be paid and payable to the said company within one week after the complete constitution and formation of the said company as a corporation, and that the balance of the said sum of ten thousand dollars being the sum of nine thousand dollars, should be payable and paid to the said company as and when this Act should direct; And whereas, by another indenture bearing even date with the said last recited indenture, the said parties other than the said Frederick William Coate did grant, bargain, sell, assign and transfer unto the said Frederick William Coate, of the City of Toronto, auctioneer, his executors, administrators and assigns, all those the said invention and letters patent within the said Provinces of Ontario and Quebec, and the full and exclusive benefit and advantage thereof, and all extensions of such letters patent or other privileges for or in respect of the said invention, and all rights, authorities, privileges, advantages, profits, emoluments and benefits of the said invention, letters patent and premises, or any of them, in anywise appertaining or belonging, and all the right, title, interest, term and terms of

Indenture,
24th Dec. 1870.

of years' benefit, property, advantage, claim and demand whatsoever of the said last mentioned parties in, to or upon the said invention, letters patent and premises, or any of them; to have, hold, exercise and enjoy the said invention and the letters patent and premises within the Provinces of Ontario and Quebec, unto and by the said Frederick William Coate, his executors, administrators and assigns, upon trust however, to and for the absolute use and benefit of the several parties to the said recited indentures, bearing date the said twenty-fourth day of December one thousand eight hundred and seventy, according to the shares and interest therein expressed, until the formation by the said several and respective parties of a company to be constituted by an Act of Parliament, for working under the said letters patent and for other purposes, and after the constitution and formation of such company, then upon trust, for the absolute use and benefit of such company their successors and assigns, and upon trust, to assign and transfer the same unto and to the use of such company, their successors and assigns; And whereas, the said several parties to the said recited indentures, of the said twenty-fourth day of December one thousand eight hundred and seventy, have paid respectively five-sixth parts of the sum payable for each and every share by them respectively subscribed towards raising the said sum of sixty thousand dollars, and in pursuance of the provisions in the said recited indentures in that behalf contained; And whereas, the said indentures, bearing date the said twenty-fourth day of December one thousand eight hundred and seventy, provided for the purpose of enabling the company (when formed) to fulfil the objects of the said indentures, that this Act should give the said company power to increase the said capital stock; And whereas, the said several parties to the said indentures, bearing date the said twenty-fourth day of December, one thousand eight hundred and seventy, being the parties hereinafter named, have by their petition represented and satisfactorily established and proved the several matters and things above recited, and have prayed that they may be incorporated for the purposes by the said recited indentures contemplated and hereinafter contained, and it is expedient that such prayer be granted: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the province of Ontario, enacts as follows:

1. William Henry Abel, Henry William Boardman, Charles Albert Shaw, William Barber, Robert Barber, James Crombie, Thomas Henry Ince, John Spiers Playfair, Alexander Fraser, John Turner, Richard Hurst, William Alonzo White, John Garvin, Joseph Simpson, David Morrice, George Ferrier Bostwick, John Fiskien, Robert Godall Trotter, Luther Cheyne, William Myers, Frederick Augustus Ball, Robert Thompson and Frederick William Coate, the several and respective parties to the said recited indentures of the said twenty-fourth day of December one thousand eight hundred and seventy, together with all such other persons as shall, under the provisions of this

Certain persons incorporated.

Corporate
name.

this Act, become shareholders in the company hereby constituted, shall be and they are hereby made a body corporate and politic, by the name of "The Simpson Loom Company (Limited)."

Company may
hold and enjoy
certain patent
rights.

Power to hold
lands.

Proviso.

Capital stock
to be \$60,000,

2. By virtue of this Act the said company shall become possessed of, and shall and may hold and enjoy to their own use and benefit, the sole and exclusive right and liberty of making, constructing, using and vending to others to be used, the said invention mentioned in the said recited letters patent bearing date the thirty-first day of October in the year of our Lord one thousand eight hundred and seventy, granted to the said Charles Graham Chappell Simpson, and so as aforesaid assigned to the said Frederick William Coate in trust for the said company when incorporated; and in virtue thereof shall and may to their exclusive use, until the expiration of the term by the said letters patent granted, and any extension thereof which may hereafter be granted, make and construct and sell and buy the aforesaid Simpson's knitting machines in the manner and after the plan contemplated by the said letters patent; and make cloth and other fabrics thereby; and sell the said cloth and fabrics; and may vend and license to others to be used the said invention and the said patent rights; and may work thereunder as may appear to be desirable and advantageous; and shall and may acquire and hold by purchase, lease or other legal title such lands and tenements as may be required for actual use and occupation at any one place, and may construct, maintain, erect and keep such buildings, erections and other improvements thereon, and from time to time sell and dispose of the same and acquire others in their stead, as the company shall find to be for its advantage, or convenient or necessary for the purpose of constructing and making the several works, articles, improvements and things by the said letters patent contemplated to be constructed and made by the use of the said inventions thereby patented; and may vend all such works, articles, improvements and things to their own exclusive use during the term of such letters patent granted, or during any extension thereof, and may empower others to vend within such limits as the company may from time to time prescribe or agree upon, the works, articles and things to be so constructed by the company; and may grant, bargain, sell, assign and transfer to others the whole or such part of the privileges by such letters patent granted, as to the company shall from time to time seem fit; and may make, contract, do and execute all such other general work as to the company shall seem fit; Provided that this Act shall not confer any other or greater rights or privileges than are conferred by the said letters patent herein recited, under the general Patent Law of the Dominion of Canada.

3. The original capital stock of the company shall be the sum of sixty thousand dollars, divided into six hundred shares of

of one hundred dollars each, but the directors of the company, ^{in shares of \$100.} if they see fit at any time after the whole of the said original capital stock shall have been allotted, and so from time to time after all the previously authorized capital stock shall have been allotted, may make a by-law, and from time to time by-laws, for increasing the capital stock of the company to an amount not exceeding five hundred thousand dollars; but no such by-law shall have any force or effect whatever until after it shall have been sanctioned by a vote representing not less than two-thirds the amount held by all the shareholders attending in person or by proxy at an annual general meeting of the company, or at a general meeting of the company duly called for the purpose of considering such by-law. ^{May increase capital stock.}

4. Every by-law for increasing the capital stock of the company shall declare the number and value of the shares of the new stock, and shall prescribe the manner in which the same shall be allotted and paid in, or in default thereof the control of such allotment shall be held to vest absolutely in the directors of the company, who may allot such stock in such amounts to such persons and in such manner, and from time to time make such calls upon such stock as to the said directors shall seem fit. ^{By-laws for increasing capital stock.}

5. The balance (if any) remaining unpaid of the aforementioned instalment of one thousand dollars, part of the said capital stock of the company, by the said hereinbefore recited indentures of the twenty-fourth day of December one thousand eight hundred and seventy, declared to be payable to the said Frederick William Coate as such trustee as aforesaid, shall be payable and be paid to the directors of the said company within one week after the complete formation of the said company by the several parties liable to pay the same, and the sum of nine thousand dollars balance of the said capital stock of the company by the said indentures bearing date the twenty-fourth day of December, one thousand eight hundred and seventy declared to be payable as this Act shall direct, shall be payable and be paid by the parties liable to pay the same at the times in the sums and manner as the directors for the time being shall direct, and upon the arrival of such respective days as provided in this Act for the payment of the balance of the said instalment of one thousand dollars, and as the directors shall direct, for the payment of the said instalment of nine thousand dollars, the said instalments shall become payable and shall be paid to the directors of the company by the respective parties liable to pay any such instalments, both of the said sum of one thousand dollars and the said sum of nine thousand dollars, parts or instalments of the said capital stock, or in default thereof the company may enforce payment thereof, with interest thereon at the rate of six per centum per annum from the said respective days, by action in any competent court; and in such action it shall be sufficient to allege or declare that the ^{Instalments due upon original stock to be paid to sureties} ^{in default of payment same may be enforced by action.} defendant

Evidence of
Company's
right to re-
cover.

defendant is the holder of one or more of the original shares or the company (stating the number of shares), and that he is indebted to the company in respect of such shares in the amount sought to be recovered, for instalments which became payable in the manner and at the times herein in that behalf provided for the payment thereof and interest thereon, whereby an action hath accrued to the company to recover the said amounts or amount with interest; and a certificate under the seal of the company, purporting to be signed by any officer of the company, to the effect that the defendant is an original shareholder of the company, and that he is indebted in an amount in the said certificate to be named in respect of the instalments upon the original shares held by him in the capital stock of the company, payable as aforesaid, together with interest on such instalments from said respective dates, shall be received in all courts of law as *prima facie* evidence of the company's right to recover in such action.

Board of di-
rectors to con-
sist of not less
than three nor
more than
nine.

Directors to be
elected annu-
ally.

Quorum.

Vacancies in
board, how
filled.

6. Subject to such alteration and provision as shall or may be made by any by-law of the company at any time hereafter to be passed, the affairs of the company shall be administered by a board of not less than three or more than nine directors, being severally the holders of at least one thousand dollars in the capital stock of the company, and not in arrears to the company for any instalment payable or call made in respect of any stock held by them in the company; such directors shall be elected annually, upon the first Monday in December in each year, or such other day as shall be appointed by by-law for holding the annual general meetings of the company; and unless and until otherwise provided by by-law all the directors shall retire annually, but if otherwise qualified may always be re-elected; and three directors, unless and until otherwise provided by by-law, shall form a quorum of the board; and in case of the death, resignation or disqualification of any director, the continuing directors, if they see fit, may fill the vacancy until the next annual meeting by appointing any qualified shareholder thereto; but a failure to elect directors, or any failure of directors, shall not dissolve the corporation; and an election may be had at any general meeting of the company called for the purpose; and except in the case of death, resignation or disqualification, all directors shall remain in office until their successors shall be appointed.

First board of
directors,

their powers.

Power of di-
rectors.

7. The said William Barber, James Crombie, Thomas Henry Ince, John Spiers Playfair, John Turner, John Fiskien and John Garvin shall be and are hereby declared to be the first directors of the company; and they shall continue in office until the election of directors shall be had under this Act; and while directors, shall have and exercise all the powers by this Act vested in directors of the company.

8. The directors of the company shall have full power in all things

things to administer the affairs of the company ; and to make or cause to be made for the company any purchase and any description of contract which the company may by law make or enter into ; and may from time to time make by-laws, not contrary to law and not inconsistent with or repugnant to anything in this Act contained, to regulate the allotment of stock, the making of calls thereon, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non payment, the disposal of forfeited stock and of the proceeds thereof, the transfer of stock, the declaration and payment of dividends ; the constitution of the board of directors, the number of Directors, their term of service and mode of retiring, the amount of their stock qualification ; the appointment, functions, duties and removal of directors and all agents, officers and servants of the company, the security to be given by any agents, officers or servants of the company, their remuneration and that (if any) of the Directors, by by-law, subject to the approval of the shareholders at a general or special meeting ; the time and place for holding the annual general meetings of the company ; the places or place where the business of the company shall be conducted and the place where the principal office or seat of business shall from time to time be held and established ; the call of meetings, general and special, of the board of directors and of the company ; the quorum ; the requirements as to proxies and the procedure in all things at such meetings ; the imposition and recovery of all penalties and forfeitures admitting of regulating by by-law ; and the conduct in all other particulars of the affairs of the company ; and vary from time to time, repeal, amend or re-enact such by-law ; and every repeal, amendment or enactment thereof, unless in the meantime confirmed at a general meeting of the company specially called for the purpose, shall only have force until the next annual meeting of the company, and in default of confirmation the Act shall from that time only cease to have force ; and every copy of any by-law under the seal of the company and purporting to be signed by any officer of the company, shall be received in all courts as *prima facie* evidence of such by-law.

9. The stock of the company shall be deemed personal estate, and shall be transferable in such manner only, and subject to all such conditions and restrictions, as by the by-law of the company shall be prescribed.

10. The directors of the company may call in and demand from the shareholders thereof respectively all sums of money by them subscribed, at such times and places, and in such payments or instalments as the by-laws of the company require or allow ; and interest at the rate of six per centum per annum shall accrue and fall due upon the amount of any unpaid call from the day appointed for the payment of such calls.

11. The company may enforce payment of all calls and interest

May make
by-laws.

Stock to be
personal estate

Calls.

Payment of
terest

calls—how enforced.

interest thereon by action in any competent court, and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the instalments or calls in arrears amount in respect of the said instalment, or one call or more upon one share or more, stating the amount and number of such instalment or instalments and the manner of calls, and the amount of each whereby an action hath accrued to the company to recover the amount of the instalments or calls sued for with interest; and a certificate under the seal of the company, and purporting to be signed by any officer of the company, to the effect that the defendant is a shareholder, and that an amount, named in such certificate, is due by him and unpaid thereon, shall be received in all courts of law or equity as *prima facie* evidence to that effect.

Directors may forfeit stock for non-payment of calls.

12. If after such demand or notice, as by the by-laws of the company may be prescribed, any instalment or call payable under this Act, or any call hereafter to be made, or any share or shares, be not paid within the time prescribed by this Act for the payment thereof, or such time as by such by-laws may be limited in that behalf, the directors in their discretion, by vote to that effect reciting the facts and duly recorded in the minutes, may summarily declare forfeited any shares whereon such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as by any by-law in that behalf may be provided, or in the absence of such by-law, as the directors shall think fit and direct.

Shareholders in arrear not eligible as directors.

13. No shareholder being in arrear in respect of any instalment or call, shall be entitled to vote at any meeting of the company, or shall be eligible as a director thereof.

Company not bound to see to the execution of trusts in respect of any shares.

14. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares, and the receipt of the person in whose name the same shall stand, or of his legal personal representative, in the books of the company, shall be a discharge of the company for any dividend or money payable in respect of such share; whether or not notice of such trust shall have been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipt.

Liability of shareholders.

15. Shareholders of the company shall not, as such, be held responsible for any act, default or liability whatsoever of the company, or for any engagement, claim, payment, loss, transaction, matter or thing whatsoever relating to or connected with the company beyond the amount unpaid upon their shares in the stock thereof.

May make

16. Every contract, agreement, engagement or bargain made, and

and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the company by any director, agent, officer or servant of the company, in accordance with their powers as such under the by-laws of the company, shall be binding upon the company; and it shall not be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque; nor shall such director, officer, agent or servant thereby become individually liable to any third party therefor; but it shall not be lawful or competent for the said company to issue any note intended to circulate as money.

promissory
notes and bills
of exchange
under by-laws.

17. The several covenants contained in the hereinbefore recited indentures bearing date the twenty-fourth day of December, one thousand eight hundred and seventy, appointing the said Frederick William Coate trustee as aforesaid, shall respectively enure to the benefit of and be binding upon the said company, and from henceforth the same shall be treated as if the said company had been incorporated at the time of the execution of the said indenture, and as if the covenants therein respectively contained had respectively been made with and by the said company, and as if the said company were the parties thereto in the place and stead of the said trustee, Frederick William Coate; and the said company may hereafter sue and be sued in respect of any such covenants as if the said company were parties to the said indenture in the place and stead of the said Frederick William Coate; and in any action, suit or proceeding at law, or in equity, which shall hereafter be instituted by or against the said company in respect of any of such covenants, or for any breach thereof, it shall be sufficient to declare and allege that the said covenants respectively were made with or by the said company; and the production or other legal evidence of the said indenture appointing the said Frederick William Coate trustee as aforesaid, shall be evidence thereof for and against the said company; and the said Frederick William Coate is hereby released from all actions, causes of actions, suits, claims or demands whatsoever to be brought against him personally, for any breach of the said respective covenants made by him in his capacity of trustee aforesaid; and to any action or suit if any that shall be brought against him or his personal representatives for any matter other than the recovery of his subscriptions of stock, the defendant or defendants of such action may plead a release by the plaintiff of such action and suit in bar thereof, and may give this Act in evidence thereof: Provided always, that both the said company and the said trustee shall be and continue liable for all debts, contracts and engagements now existing, or which may have been entered into before the passing of this Act, but the said trustee shall be indemnified by the said company for any liabilities incurred by him in respect thereof.

Covenants
contained in
the indentures
recited in the
preamble con-
firmed and
made binding.

The company
may sue and
be sued.

Trustee re-
leased from
personal
liability.

Company
liable for debts
entered into
before the
passing of this
Act.

Contracts entered into by the trustee under the said indenture binding on the company.

18. All contracts made and entered into by and with the said Frederick William Coate under the provisions of the said recited indenture bearing date the twenty-fourth day of December, one thousand eight hundred and seventy, appointing the said Frederick William Coate such trustee as aforesaid, in furtherance of the objects of that indenture, shall enure to the benefit and be binding upon the said company, and the said company shall sue and be sued upon or in respect of any such contract as if the said company had been incorporated at the time of such contract being entered into, and as if the same respectively had been made and entered into by and between the said company.

CAP. LXXVI.

An Act to amend the Acts incorporating the Consumers' Gas Company of Toronto.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS the Consumers' Gas Company of Toronto have petitioned for an Act to amend their charter, by providing for its protection in respect of shares or stock of said Company held in trust, and it is expedient to grant and allow such amendment: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Company not bound to see to the execution of any trust of its stock.

The receipt of one of the parties in whose name shares stand to be a discharge.

1. The Consumers' Gas Company of Toronto shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any share or shares of its stock may now or may hereafter be subject; and the receipt of the party in whose name any such share or shares stand in the books of the Company, or if such share or shares stand in the name of more parties than one, the receipt of one of the parties shall from time to time be a sufficient discharge to the Company for any payment of any kind made in respect of such share or shares, or the dividends thereof, notwithstanding any trust to which such share or shares may then be subject, and whether or not such Company has had notice of such trust; and the Company shall not be bound to see to the application of the money paid upon such receipt.

CAP. LXXVII.

An Act to revive the Act incorporating The "Hamilton Masonic Hall Association."

[Assented to 15th February, 1871.]

WHEREAS by an Act passed in the twenty-sixth year of Her Majesty's reign, intituled, "An Act to incorporate The 'Hamilton Masonic Hall Association,'" and chaptered thirty, certain persons and all such other persons as should thereafter become members of the association, were thereby declared to be a body politic and corporate, for the purpose and with the powers therein mentioned; and whereas, the majority of the corporators therein named, have represented that by mere inadvertence, the promoters of the said Act omitted to organize in the manner prescribed by the said Act within the time thereby limited, and that more than four hundred shares in the capital stock have now been subscribed, and have prayed that the said Act may be revived, and it is expedient to grant the prayer of such petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Act aforesaid is hereby revived and continued, and all and singular the powers and authorities thereby conferred upon the parties becoming subscribers to the capital stock are hereby granted to the persons who have subscribed, or who shall hereafter subscribe thereto, and all and every the clauses, provisoes, stipulations and conditions in the said Act contained shall apply to the persons incorporating themselves under this Act as fully as if the same had been herein repeated and re-enacted.

2. The parties who have subscribed as aforesaid, or who may hereafter subscribe, or any ten of them, may call a meeting of such subscribers at such time and place in the city of Hamilton as they shall deem meet, by public notice, to be published at least eight days before such meeting in one newspaper published in such city, at which meeting, or at some adjournment thereof, the majority of the subscribers then assembled, shall choose seven directors, being respectively proprietors of at least four shares in the undertaking, of whom four shall be a quorum for managing, governing and carrying on the affairs of the said company.

3. Such directors shall hold office until the annual meeting, to be held on the first Wednesday in May after their election, or until their successors are appointed; but it shall be competent to the shareholders or the directors to fix any other day, by by-law or resolution, for such general meeting; notice in all cases of such meeting being given as hereinbefore provided.

CAP.

CAP. LXXVIII.

An Act to amend the Act passed in the thirty-third year of thereign of Her Majesty, chaptered seventy-one, and intituled "An Act to exempt from Municipal taxation, for a certain period, a Sugar Refinery proposed to be erected in the City of Toronto."

[Assented to 15th February, 1871.]

Preamble.

WHEREAS by an Act of the Legislative Assembly of the Province of Ontario, passed in the thirty-third year of the reign of Her Majesty, chaptered seventy-one, it was enacted that a certain sugar refinery to be erected by one John A. Aldwell, in the City of Toronto, and all real and personal property connected therewith and capital therein employed, should be, as therein provided, exempt from all municipal and local taxation for a period of twenty-one years as settled and agreed upon between the Corporation of the City of Toronto and the said John A. Aldwell and as therein expressed; Provided, amongst other conditions, that said sugar refinery should be erected and in operation within three years; and whereas, the said the Corporation of the City of Toronto did, by indenture of lease duly executed, demise to the said John A. Aldwell certain premises in said City of Toronto, upon which said John A. Aldwell proceeded to erect said sugar refinery; and whereas, it was afterwards discovered that said Corporation of Toronto had no legal title to said land so demised, and the said John A. Aldwell was thereby stopped and delayed in the erection of said refinery; and whereas, the said Corporation has consented and agreed to extend for one year the time for the erection of said refinery, and to exempt from taxation any premises by him the said John A. Aldwell his heirs, executors, administrators or assigns, to be leased or used for such purpose; and whereas, the said John A. Aldwell, in pursuance of said consent and agreement by said Corporation of the City of Toronto, has prayed that an Act may be passed to extend the time for the erection and completion of said sugar refinery and for other the purposes therein and above referred to: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

J. A. Aldwell
may lease
premises.

1. That the said John A. Aldwell may acquire by lease, sub-lease, purchase or otherwise, any lands or property in the City of Toronto, to be used for the purposes intended by said Act above referred to, and that the same so leased, assigned, purchased or otherwise acquired may be held and used by him, the said John A. Aldwell, his heirs, executors, administrators or assigns, ratified and confirmed by said corporation, during the term so acquired for the purposes in said Act mentioned and intended, free from

all

all liability to any payments as for taxes and with all the exemptions and privileges therein expressed without the hindrance or interference of said corporation; Provided always, that the term in said Act mentioned for the erection and completion of said sugar refinery shall be three years from the passing of this Act; and that the expenditure of the sum of one hundred and twenty-five thousand dollars, in the first section of said Act mentioned, shall be made within the said term of three years above mentioned; but that nothing herein contained shall, save as above and therein expressed, be construed to exempt from municipal or other taxation the said sugar refinery or to restrict the privileges thereby granted.

To expend
\$125,000 in
three years.

No exemption
save as by
former Act.

CAP. LXXIX.

An Act to confer upon the Bishop and Incumbents of the Diocese of Toronto similar powers to those held by the Bishop and Incumbents of the Diocese of Ontario.

[Assented to 15th February, 1871.]

WHEREAS by section eight of the Act passed in the twenty-fifth year of the reign of Her present Majesty, and chaptered eighty-six, the Bishop, Rectors and other Incumbents of the Diocese of Ontario have the power of aliening and transferring lands and personalty vested in them respectively for the uses and purposes of the said See and of the Churches, Parishes and Livings therein: and whereas, it was intended that by the Act passed in the twenty-eighth year of the reign of Her said Majesty, and chaptered fifty-four, similar powers should be conferred upon the Bishop, Rectors and other Incumbents of the Diocese of Toronto, but doubts exist whether such powers were thereby conferred, and it is expedient that such doubts should be removed, and that the powers hereinafter granted should be conferred upon the last named Bishops and Incumbents: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Preamble.

1. The Lord Bishop of the Diocese of Toronto for the time being, shall have the administration of all lands and personalty which now are, or hereafter may be, vested in him or conveyed to him for the use or endowment of his See, or for the general uses of the Anglican Church in his Diocese, or for the use or endowment of any particular Church, Chapel, Parsonage, Parish, Mission, or Living erected or established, or hereafter to be erected or established therein, or for other purposes appertaining to the said Church in his Diocese, or to any particular Parish therein.

The Bishop to
have the ad-
ministration of
lands and per-
sonalty.

Alienation of
property.

2. The said Bishop, by and with the consent of the Incorporated Synod of the said Diocese, shall have power to sell, alien and transfer any lands or personalty, which now are, or may hereafter be, vested in, or conveyed to, him for the general uses and purposes of the said See or of the said Church, and by and with the consent of the said Synod and of the Rector or Incumbent of the Parish or Mission to which the same may pertain, or for the benefit of which the same may be held; shall also have power to sell, alien and convey any lands or personalty which now are, or hereafter may be, vested in, or conveyed to, the said Bishop for the purposes, use, or endowment of, or pertaining to any Church, Chapel, Parsonage, Parish, Mission or Living.

If vested in the
Incumbent.

3. The Parson, Rector or other Incumbent, of any Church, Chapel, Parsonage, Parish, Mission, or Living for the time being, to whom any lands or personalty shall have been or hereafter may be conveyed, or in whom the same may now be or hereafter may be vested for the purpose, use or endowment of such Church, Chapel, Parsonage, Parish, Mission or Living, shall, by and with the consent of the Bishop of the said Diocese and of the Synod thereof, have the power to sell, alien, and convey such lands and personalty.

Application of the
proceeds of sales.

4. The price or consideration money of any such sale, alienation or transfer, shall be applied to the uses and purposes for which the land or personalty so sold, aliened or transferred, was originally conveyed to, or became vested in, the said Bishop and Incumbents respectively.

Power to con-
vey glebe,
lands.

5. The said Bishop, and any Rector, Parson, or other Incumbent in the said Diocese, in each case by and with such consent as is herein provided for in regard to such sales by them as aforesaid, shall have power to grant and convey any glebe, house or lands, which now are or hereafter may be vested in them respectively, to any person or persons, body or bodies corporate, in exchange for any other house, buildings or lands; and it shall be lawful for the said Bishop, Rectors, Parsons or other Incumbents, with the like consent, to accept and take in exchange to him, them, and their respective successors forever, from any person or persons, or body corporate, any other house, buildings, or lands, in lieu of and exchange for such house or lands so granted and conveyed.

Consent of
Synod, Bishop
or Incumbent
how signified.

6. The consent of the Synod, Bishop and Incumbent, respectively, hereinbefore required, shall be testified by their respective executing the deed or other assurance by which any lands or other premises shall be conveyed or assured.

This Act not
to affect lands
mentioned in
29 & 30 Vic.,
c 16.

7. Nothing in this Act shall extend or apply to the lands mentioned in the Act of the Parliament of the late Province of Canada, passed in the session held in the twenty-ninth and thirtieth

thirtieth years of the reign of Her present Majesty, chaptered sixteen, and intituled, "An Act to provide for the sale of Rectory Lands in this Province."

CAP. LXXX.

An Act to amend an Act to authorize the Church Society of the Diocese of Toronto to sell certain parts of the Rectory Lands of Peterborough and for other purposes.

[Assented to 15th February, 1871.]

WHEREAS the Rector of the town of Peterborough and Preamble.
the Churchwardens of St. John's Church in Peterborough, have by petition set forth that it is desirable that an Act passed by the Parliament of the late Province of Canada, in the twenty-seventh year of the reign of Her Majesty Queen Victoria, and chaptered eighty-seven, be amended, so as to extend the provisions of the said Act as to leasing Rectory lands within the said town of Peterborough, to Rectory lands without the said town of Peterborough: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The second section of the said Act is hereby amended by ^{27 Vic. c. 87,} striking out the words following, that is to say "forming part ^{s. 2, amended.} of or belonging to the said Rectory within the said town of "Peterborough."

CAP. LXXXI.

An Act to enable the Church Society of the Diocese of Huron to Sell or Exchange certain Church Land in the Township of Brantford, in the County of Brant.

[Assented to 15th February, 1871.]

WHEREAS about nine acres of land, in the township of Preamble.
Brantford, in the county of Brant, being parts of the west or front halves of lots numbers six and seven on the east side of Mount Pleasant Road, were in consideration of the sum of seven hundred dollars, then paid for the same, by deed dated the sixth day of December one thousand eight hundred and sixty-four, and registered on the seventh day of January following

lowing, in the registry office for the said county, in liber E for the said township of Brantford as number three thousand and forty-one, conveyed to the Right Reverend Benjamin Cronyn, Bishop of Huron, in trust, as a site for a parsonage for the use of the incumbent of the church at Mount Pleasant; in connection with the United Church of England and Ireland in Canada, without any power in such deed to said Bishop to sell or convey away said land, and such parsonage site has been found unsuitable for the purpose for which it was purchased, and it is deemed expedient, either by sale or exchange of the same, to procure a more suitable site in its stead; and the said Bishop of Huron and the Church Society of the Diocese of Huron have, by their petition, prayed for an Act to enable the said society to convey away the said land; And whereas it is desirable to grant the prayer of such petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to
Church Soci-
ety to sell cer-
tain lands.

1. The Church Society of the Diocese of Huron shall have full power and authority to sell and absolutely dispose of the said land, or to exchange the same for other land, and any deed executed by the said society purporting to be an absolute conveyance of the said land shall vest the same in the grantee or grantees in such conveyance named.

Application of
the proceeds of
the sale.

2. In case the said society sell the said land, the proceeds of such sale shall be held by the society in trust towards procuring a parsonage site and house for the use of the Incumbent for the time being of said church at Mount Pleasant; and no purchaser shall be liable for the application of any money paid by him on any sale under the provisions of this Act; and in case the society exchange the said land for other land, the society shall hold the land thus taken by them in exchange in trust for the use of the Incumbent for the time being of the said church at Mount Pleasant.

CAP. LXXXII.

An Act to vest certain Real Estate in the Churchwardens of St. John's Church, in the Township of Ancaster, with authority to sell the same and to purchase other lands, and otherwise to apply the proceeds thereof.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS the Reverend Featherston Lake Osler, Rural Dean and Rector of the township of Ancaster, the Reverend Thomas Skelton Cartwright, Resident Minister of St. John's

St. John's Church, in the township of Ancaster, Thomas Postans, and Henry Orton, M. D., Churchwardens of said church, and certain parishioners of the said church have, by their petition, set forth that the following land and premises, that is to say, all and singular that certain parcel or tract of land and premises situate, lying, and being in the township of Ancaster, in the said county of Wentworth, being composed of part of lot number forty in the third concession of the said township of Ancaster, containing by admeasurement twenty-five acres of land be the same more or less, which said twenty-five acres of land are butted and bounded, or may be known and described as follows, that is to say:—Commencing at a post planted on the division line between lots thirty-nine and forty in the said third concession at the distance of forty-three chains and fifty links from the front thereof, then south thirteen degrees east ten chains seventy-five links; thence north seventy-five degrees and thirty minutes east fifteen chains sixty-three and one half links; thence north thirteen degrees west eighteen chains and fifty links, more or less to the southern boundary of Daniel Shaver's land; thence south-westerly along the said Daniel Shaver's boundary line sixteen chains and thirty-three links and one half, more or less, to the place of beginning, together with all houses, woods, and waters thereon, and all and singular the hereditaments and appurtenances to said premises in any wise belonging;—were by a certain Indenture bearing date on or about the twenty-second day of May, in the year of our Lord one thousand eight hundred and twenty-two, conveyed to Samuel Tisdale and George Rousseaux in their lifetime, as churchwardens of the said church, upon the trusts and for the purposes following, that is to say, to and for the use, occupation, enjoyment and accommodation of a resident clergyman or clergymen of the Episcopal or Established Church of England, his and their successors in ministry for ever; That the said Samuel Tisdale and George Rousseaux have departed this life, and that the said Thomas Postans and Henry Orton are the present churchwardens of the said church; That the said land and premises were purchased by the voluntary subscriptions of the parishioners of the said church, for the use occupation, enjoyment and accommodation of the resident clergyman or clergymen of the said church; That the said lands and premises are not now suitable for the purposes for which the same were purchased, and that it is advisable to sell the same, and with the proceeds thereof to purchase a parcel of land more convenient to the said church, and to apply any surplus in and towards the erection of a parsonage on the land so to be purchased; And the petitioners have prayed that an Act may be passed to vest the said lands and premises in the said Thomas Postans and Henry Orton as such churchwardens, and their successors and assigns, with power to sell the same, and with the proceeds thereof to purchase other lands, and to apply any surplus towards the erection of a parsonage thereon, such last lands to be held by the said Thomas Postans

Postans and Henry Orton, and their successors in office, upon the trusts and for the purposes aforesaid ; and whereas it is expedient to grant the prayer of the said petitioners ; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Certain lands vested in the church-wardens of St. John's Church upon trust.

1. The said lands and premises hereinbefore described, with all their rights and appurtenances, are hereby vested in the said Thomas Postans and Henry Orton, churchwardens of the said St. John's Church, and their successors in office forever, upon trust, to hold the same to and for the uses and purposes in the said deed contained, until the same shall be sold as hereinafter provided.

Church-wardens to sell the lands.

2. The said churchwardens are hereby authorized and required to sell the said lands and premises for the best price that can be got for the same, and to convey the said lands and premises to the purchaser or purchasers thereof.

Purchasers not liable for the application of the purchase money.

3. No person or persons, body or bodies corporate, who shall purchase the said lands and premises, shall be in any way bound to see to the application or be answerable for the non-application of the said purchase money or of any part thereof.

Application of the proceeds of the purchase money.

4. From and out of the said purchase money, the said churchwardens or their successors shall, with all due diligence, purchase a parcel of land suitable for the purposes of a parsonage and grounds for the resident clergyman or clergymen of the said church in the vicinity of and convenient to the said church, and shall apply any surplus in and towards the erection of a suitable dwelling house upon the said last mentioned parcel of land.

Land purchased for a parsonage to be held by the churchwardens in trust.

5. The said last mentioned parcel of land when purchased, shall be held by the said churchwardens, and their successors in office, upon trust, and to and for the uses and purposes in and by the said deed provided, and which trust, uses and purposes, are in the preamble of this Act set forth.

CAP. LXXXIII.

An Act to authorize the Trustees of the Presbyterian Church in the Township of Nottawasaga in the County of Simcoe, in connection with the Church of Scotland, to sell the West half of Lot number twenty-four in the seventh concession of the said Township.

[Assented to 15th February, 1871.]

WHEREAS John MacMurchy, John MacQueen and John MacKee, Trustees of the Presbyterian Church of the Township of Nottawasaga in the County of Simcoe, in connection with the Church of Scotland, and the Reverend Alexander McDonald the officiating minister of the said Church, have by their petition to the Legislature prayed that the said Trustees may be empowered to sell and convey the west half of lot number twenty-four in the seventh concession of the said Township of Nottawasaga, and to apply the proceeds of such sale to the purchasing of another lot or parcel of land and premises or to purposes connected with the interests of the congregation adhering to the said Church; and whereas, it is expedient to grant the prayer of such petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. That the said John MacMurchy, John MacQueen and John MacKee, Trustees of the Presbyterian Church in the Township of Nottawasaga in the County of Simcoe, in connection with the Church of Scotland, and the survivor or survivors of them or their successors in office shall have full power and authority to sell and convey the west half of lot number twenty-four in the seventh concession of the said township of Nottawasaga, in one or several parcels, from time to time, at private sale or by public auction, for cash or on credit, or partly for cash and partly on credit, secured in such manner as to them the said Trustees or the survivor or survivors of them shall seem fit, with power to buy in at any auction or auctions, and resell and rescind, or vary any sale or contract for sale, that may have been entered into, and resell without being responsible for any loss or deficiency thereon, and on any sale or sales to make, execute and deliver a conveyance or conveyances, and demand, sue for, and receive the consideration money, and release and discharge all mortgages or other security that may be given for the purchase money or any part thereof.

Power to trustees to sell certain lands.

2. The said Trustees or their successor or successors shall apply for proceeds of such sale or sales in the purchase of other lands or in such other manner as they may deem best for the interests

Application of the proceeds of sale.

interests of the congregation adhering to the said Church; Provided always, that the purchaser or purchasers shall not be liable to see to the application of the moneys arising from the sale of the said half lot or of any part thereof.

Rights of
other parties
not affected.

3. Nothing in this Act contained shall affect any rights of any other party or parties in respect of the said property.

CAP. LXXXIV.

An Act to authorize the Trustees of the Presbyterian Church in the Township of Kenyon, County of Glengarry, in connection with the Church of Scotland, to sell Lot two, and part of Lot one, in the Seventeenth Concession of the said Township.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS Hugh Allan, of the city of Montreal, Hugh Munro, of the township of Caledonia, Donald Cameron, of the township of Roxborough, and John McRae, Donald McIntyre, and Duncan McRae, of the township of Kenyon, Trustees of the Presbyterian Church, in the township of Kenyon, in the County of Glengarry, in connection with the Church of Scotland, and John S. Burnett, Moderator of the Presbytery of Glengarry, have by their petition to the Legislature, prayed that the said Trustees be empowered to sell and dispose of Lot two, and the West part of lot one, in the seventeenth Concession of the St. Regis Indian Reservation, in the aforesaid township of Kenyon, as described in the patent thereof from the Crown, and to apply the proceeds of such sale for the purpose of purchasing another lot, or for purposes connected with the interests of the congregation adhering to the said Church; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to
trustees to sell
lands.

1. That the said Hugh Allan, Hugh Munro, Donald Cameron, John McRae, Donald McIntyre, and Duncan McRae, Trustees of the Presbyterian Church in the township of Kenyon, in the County of Glengarry, in connection with the Church of Scotland, and the survivor or survivors of them, or their successors in office, shall have full power and authority to contract to sell and to sell the said lots, in one or several parcels, from time to time, at private sale or by public auction, for cash or on credit secured in such manner as to them seem fit, with power to buy in at any auction or auctions, and re-sell and rescind or vary any

any sale or contract for sale that may have been entered into, and re-sell without being responsible for any loss or deficiency thereon, and on any sale or sales, conveyances, execute and deliver, and the consideration money demand and receive, and to release all mortgages or other securities that may be given for the purchase money or of any part thereof.

2. The vendors shall apply the proceeds of such sale or sales in the purchase of other lands or in such other manner as they may deem best for the interests of the congregation adhering to the said Church; Provided always, that the purchaser or purchasers shall not be liable to see to the application of the moneys arising from the sale of the said lots or any part thereof.

Application
of proceeds of
sale.

3. Nothing in this Act contained shall be construed to effect any rights of any other person or persons in respect of the said lands.

This Act not
to affect the
rights of
others.

CAP. LXXXV.

An Act to enable the Trustees of the Canada Presbyterian Church in Osgoode to convey parts of the Church lands to other Trustees for a Burial Ground.

[Assented to 15th February, 1871.]

WHEREAS the Trustees of the Canada Presbyterian Church Property in the Township of Osgoode, in the County of Carleton, have by their petition set forth that they desire to convey part of said Church property to other Trustees for a Burial Ground, and it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Preamble.

1. The said Trustees of the Canada Presbyterian Church property in the township of Osgoode, may sell and convey part of said Church property, being composed of part of the west part of lot number thirty in the seventh concession of the aforesaid township of Osgoode, and containing three acres more or less, butted and bounded as follows: Commencing at the south-westerly angle of said lot number thirty in said seventh concession and running northerly along the easterly limit of the allowance of road between the sixth and seventh concessions nine chains forty-three and one-half links; thence easterly parallel to the allowance of the side road between lots numbers thirty and thirty-one three chains and twenty-one links; thence southerly

Trustees of the
Canada Pres-
byterian
Church in
Osgoode may
convey to
Trustees for a
burial ground.

southerly parallel to the said concession road between said sixth and seventh concessions nine chains forty-three and one-half links to the northerly limit of the allowance of road between said lots thirty and thirty-one in said seventh concession; thence westerly along the northerly limit of said side road three chains and twenty-one links to the place of beginning;—to five Trustees, in whom and their successors in office, the said land shall be vested immediately upon their appointment to and acceptance of office, and who shall by the name of the "Trustees of the Osgoode Burial Ground" hold, occupy and enjoy the land hereinbefore mentioned, and by that name may bring or defend any action or suit at law or in equity against any person or persons, or body corporate in respect of any matter or thing relating to the said land or premises, or the fees for burial therein.

Appointment
of Trustees for
the burial
ground.

2. The Trustees to whom and their successors in office the said land shall be conveyed, shall be, Daniel Cameron, Alexander Dow, Duncan McDonald, Zachariah McMillan and Joseph A. Campbell, who shall hold office until the annual meeting in the month of February, in the year of our Lord one thousand eight hundred and seventy-two.

Power to pass
by-laws.

3. The said Trustees shall have power from time to time to make such by-laws as may be necessary and reasonable for the preservation and improvement of and the repairing and general management of the said Burial Ground.

Powers to
grant burial
sites, and
charge fees.

4. The said Trustees shall have power to grant any person or persons the exclusive right to use any particular portion of the said land as a burial place, and to charge such fees therefor as they shall reasonably appoint, but in case of the death of any person who has not left sufficient property to pay for a place of burial, the said Trustees shall appoint a place where he or she may be buried in said land without any charge or fee therefor.

Fees, how to
be applied.

5. All such fees as shall be collected by virtue of the foregoing provision shall be used in the maintenance, improvement and repairing of the said Burial Ground, or the erections and enclosures thereon.

Meetings to
elect Trustees.

6. A meeting for the election of Trustees shall be held on the first Saturday in the month of February in each year, after the year one thousand eight hundred and seventy-two, at which meeting all those holding lots in said Burial Ground shall be entitled to vote, and a majority of the votes of those voters present at any annual meeting shall elect the Trustees for the ensuing year: Provided that the retiring Trustees of said Burial Ground shall always be eligible for re-election.

Proviso.

Vacancies
among Trus-

7. In case of the death or removal or refusal to act of any person elected as a Trustee under this Act, the vacancy may be filled

filled up by the appointment of another Trustee by the remaining Trustees, who shall hold office until the next annual meeting.

tees, how filled.

8. At each annual meeting the place and hour for holding the next annual meeting shall be fixed.

Annual meetings, how fixed.

9. At the first meeting of said Trustees after their election, they shall elect a Chairman and a Secretary-Treasurer from amongst themselves for the current year, and all meetings during the year shall be called by such Chairman, giving at least five days notice in writing to each of the Trustees of the time and place of such meeting, unless at the previous meeting the time and place of such meeting shall have been fixed by the Trustees.

Chairman and Secretary-Treasurer, how appointed

Notice of meetings.

10. A majority of the said Trustees shall be a quorum for the transaction of business, and in case the regular Chairman is not present at any meeting, the Trustees who are present shall elect a Chairman to preside at that meeting.

A majority of Trustees a quorum. Chairman *pro tem*.

11. The Chairman shall not vote at any meeting except in the case of an equality of votes, in which case he shall give the casting vote.

Chairman to give only a casting vote.

12. The Secretary-Treasurer shall enter in a book to be kept for that purpose, which shall be the property of the Trustees for the time being, full minutes of all proceedings had or taken by the said Trustees, and full accounts of all receipts and disbursements received and made by them.

Secretary-Treasurer to keep minutes of proceedings and of accounts.

CAP. LXXXVI.

An Act to amend the Act to Provide for the Succession of Trustees of the Church and Glebe Property of St. Andrew's Church Peterborough, and to authorize the Trustees of the said Property to Mortgage the said Property or part thereof.

[Assented to 15th February, 1871.]

WHEREAS a certain Act was passed by the Legislature of the Province of Ontario, in the thirty-second year of the reign of Her Majesty Queen Victoria, and chaptered seventy-two, to provide for the succession of Trustees of the Church and Glebe property of St. Andrew's Church, Peterborough, and to authorize the said Trustees or a majority of them to borrow a sum of money, not exceeding the sum of one thousand

Preamble.

thousand

thousand two hundred dollars, to finish and complete a manse then being erected on a part of the said premises, and to secure the same and interest thereon by a mortgage thereon or a part thereof; and whereas it hath been made to appear by the petition of the managers of the temporal affairs of the said Congregation (being also the Trustees under the said Act) to be desirable that they should have the right to borrow upon the security of the said property a further sum of eight hundred dollars, in addition to the said sum of one thousand two hundred dollars already borrowed under the said Act, for the purpose of enabling them to pay off and discharge a balance of debts due by them, as such contracted in and about the repairing and renovating of the said Church, and completing and finishing the said manse; and further, that it is expedient to provide for the election or appointment of trustees to fill such vacancies as may occur from time to time, and to declare that failing from any cause to hold such election annually of trustees by said congregation, as by said Act provided, the retiring trustee or trustees should hold their office and exercise all the powers of such trustees until their successors shall have been regularly elected: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to trustees to borrow \$800.

1. It shall be lawful for the said trustees, or the trustees for the time being, or a majority of them, to borrow a further sum of money over and above the said sum of one thousand two hundred dollars already borrowed as aforesaid, that is to say, the further sum of eight hundred dollars, for the purposes aforesaid, and to secure the repayment of the said sum of eight hundred dollars, together with interest thereon, at such rate as may be agreed upon, by mortgage of said property or a part thereof to the lender or lenders thereof.

Trustees may make mortgages to pay off former mortgages.

2. It shall be lawful for the trustees for the time being, or a majority of them, should occasion require, from time to time to make new and further mortgages for the purpose only, however, of paying off and discharging any mortgage or mortgages then in existence upon the said property or any part thereof.

Vacancies in office of trustee provided for.

3. That should from death, removal, resignation or otherwise, a vacancy or vacancies occur among the said trustees, the surviving or remaining trustee or trustees for the time being, or a majority of them, may fill up such vacancy or vacancies by naming or appointing any person or persons to fill such vacancy or vacancies, by any writing under his or their hand or hands; Provided always, that all trustees so appointed shall only hold such office until the next annual meeting of the said congregation, when trustees shall be chosen by the said meeting, or at some other subsequent meeting called for that purpose, and the trustee or trustees so chosen shall hold office for the

Proviso.

the unexpired portion of the term or terms of the trustee or trustees in whose stead they shall be chosen.

4. That should from any cause no annual or special meeting of the congregation for the purpose of choosing trustees be held, the trustees for the time being shall continue to hold office as trustees until their successors shall have been regularly chosen or elected.

Provision in case no meeting is held for choosing trustees.

CAP. LXXXVII.

An Act to appoint Trustees for certain Lands belonging to the Presbyterian Church in connection with the Church of Scotland, in the Town of Cornwall, and authorizing such Trustees to sell portions thereof.

[Assented to 15th February, 1871.]

WHEREAS it hath been made to appear by the petition of Preamble
St. John's Church, being the Cornwall congregation of the Presbyterian Church of Canada in connection with the Church of Scotland, Alexander McLean and William Mattice of the Town of Cornwall, James Craig of the Township of Charlottenburgh, in the County of Glengarry, and Daniel Eugene McIntyre, and Jacob Farrand Pringle, of the said Town of Cornwall, that by letters patent bearing date the fifteenth day of June, one thousand eight hundred and fifteen, certain lands, being lot number fifteen on the north side of First Street, and lot number fifteen on the south side of Second Street, in the Town of Cornwall, were granted in fee to the Honorable Neil McLean and others and their successors for ever, in trust for the benefit of the congregation of Presbyterians in the said Town of Cornwall in full communion with the Church of Scotland, and having a clergyman ordained by that Church, and whereas it hath been further made to appear that by letters patent, bearing date the twenty-seventh day of December, one thousand eight hundred and thirty-three, certain other lands, being the east half of lot number five in the second concession of the Township of Cornwall, in the County of Stormont, as reckoned in the eastern boundary of the township, were granted in fee to Archibald McLean and others, and their successors for ever, in trust, to hold the same for the use of the minister or incumbent of St. John's Church, at Cornwall in connection with the Church of Scotland, as a Glebe appurtenant to the said Church of St. John, and whereas it hath been further made to appear that the said Church of St. John is identical with the said first mentioned congregation for which the firstly herein described lands are held in trust, and whereas it hath been further made to

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appear

appear that by a certain deed dated the thirty-first day of December one thousand eight hundred and fifty-three, one William Cline granted to the Honourable Archibald McLean and others, "The Trustees of the congregation of the Presbyterian Church of Canada, in connection with the Church of Scotland, in the Town of Cornwall," and their successors for ever, certain other lands, being lot number three on the north side of Second street, and lot number three on the south side of Third street in the said Town of Cornwall, in trust for the benefit of the said congregation, for the support of public worship and the propagation of Christian knowledge, and whereas different modes and provisions are by the said patents and deed declared for the appointment of new and succeeding trustees, and all the trustees appointed by the said patents are now dead, without any successors having been appointed, and the petitioners, Alexander McLean and William Mattice, are now the only trustees under the said deed, and whereas the said parcels of land are held for substantially the same purposes, and it is advisable that the same should be vested in one set of trustees, and that provision should be made for the appointment of their successors in accordance with the prayer of the said petitioners; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Appointment
of trustees.

1. The said lands, as described in the said patents and deed, and all the estate and interest therein of the original trustees named in each of the aforesaid letters patent and the said deed, shall by virtue of this Act be and are hereby declared to be vested in fee simple in the said Alexander McLean, William Mattice, James Craig, Daniel Eugene McIntyre, and Jacob Farland Pringle and their successors in office, to be appointed as hereinafter provided under the name of "The Trustees of the Congregation of the Presbyterian Church of Canada, in connection with the Church of Scotland, in the Town of Cornwall," in trust for the benefit of the said congregation, for the support of public worship and the propagation of Christian knowledge, and also for the site of a church, chapel, meeting house, burial ground, or residence for the minister or ministers, as the said congregation shall deem proper.

Vacancies in
office of trustee,
how filled.

2. That in case any of the trustees hereby appointed, or any succeeding trustee or trustees to be appointed as hereinafter mentioned, shall happen to die or be desirous of being discharged from the powers or trusts hereby in them reposed or vested, or become incapable of acting in the same, then, and in every such case, and so often as the same shall happen, the remaining trustee or trustees, or the majority of them, by any writing or writings under their hands and seals, to be by them sealed and delivered in the presence of, and attested by two or more credible witnesses, may nominate, substitute and appoint any other fit person in the room or place of such trustee who shall

shall so die, or be desirous of being released from, or discharged, or become incapable of acting in the aforesaid trusts.

3. The said trustees shall, and may from time to time have and exercise the rights and privileges conferred by the fourth, fifth, sixth and seventh sections of chapter sixty-nine, of the Consolidated Statutes for Upper Canada, as if the same were incorporated in and formed part of this Act, and shall also, in the same manner be subject to the provisions of the eleventh and twelfth sections of the said chapter sixty-nine.

Certain sections of Con. Stat. U. C., cap. 69, to apply to this Act.

4. The said trustees and their successors in office shall have full power to mortgage or absolutely sell and dispose of the east half of lot number five, in the second concession of the said township of Cornwall; and lot number three, on the north side of Second street; and lot number three on the south side of Third street, in the said town of Cornwall, or any portion or portions thereof, at public auction or by private sale, for cash or on credit, secured in such a manner as to them shall seem fit, with power to buy in at any auction or auctions, and re-sell and rescind, or vary any sale or contract for sale that may have been entered into, and re-sell without being responsible for any loss or deficiency thereon, and on any sale or sales, conveyances execute and deliver, and the consideration money demand and receive, and to release or assign any mortgages or other securities that may be given for the purchase money or any part thereof.

Powers of trustees as to certain lands in the town of Cornwall.

5. The vendors shall apply the moneys derived from the mortgage or mortgages, and the proceeds of such sale or sales, in the purchase of a suitable lot of land for a manse, and the building of a manse for the minister or ministers of the said congregation, or in such other manner as they deem best, for the benefit of the minister or ministers for the time being, of the said congregation; Provided always, that in the application of the said moneys, due regard be had to the interests of the congregation, adhering to the said church: Provided always, that the purchaser or purchasers shall not be liable to see to the application of the moneys arising from the sale of the said lot or of any part thereof.

Application of proceeds of sales of lands in Cornwall.

Proviso.

Proviso.

CAP. LXXXVIII.

An Act to enable the Trustees of the Stamford Presbyterian Church to sell lands held by them for the use of the Congregation, and for other purposes.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS it hath been made to appear, by the petition of John Mitchell and others, elders and members of the congregation of the Stamford Presbyterian Church, that by letters patent bearing date the sixth day of April, in the year of our Lord one thousand eight hundred and five, a certain parcel of land, containing by admeasurement one hundred and fifty acres, be the same more or less, being lot number fifty-five and the east half of lot number forty-four, in the township of Stamford, in the county of Welland, were granted to John Reilly, Esq., Peter Thompson, Archibald Thompson, Thomas McMicking, and James Cooper, yeomen, in trust for the Presbyterian congregation of the township of Stamford, their heirs and assigns, for ever; That the said John Reilly, Esq., and all other of the original trustees named in said letters patent, are now dead, and that but two of their heirs and assigns, viz., John Thompson and David Thorburn, are now members of the said Presbyterian congregation, and whereas no provision is made in said letters patent for the appointment of successors in office to the said original trustees, and whereas the said John Mitchell and others have, by their petition, dated the twenty-second day of December, in the year of our Lord one thousand eight hundred and seventy, prayed that an Act might be passed to enable the trustees to sell land, to regulate the appointment of their successors, and for other purposes; and it is expedient to grant the prayer of said petition; Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Certain lands
vested in
trustees.

1. That the said lands and all estate and interest therein of the grantees named in said letters patent shall be, by virtue of this Act, and from henceforth be deemed to be, and are hereby vested in fee simple in David Thorburn, of Queenston, Esquire, William Parker, John Thompson, of Stamford, Robert Niven, of Niagara township, and William Morrison, of Stamford township, yeomen, who were, at a special congregational meeting held on the fifteenth day of November, in the year of our Lord one thousand eight hundred and seventy, after due notice, and by and with the consent of certain of the heirs and assigns of the original trustees, nominated for this purpose, and they are declared to be the trustees to hold, sell, or deal with the said lands for the benefit of the aforesaid Presbyterian congregation, until the thirty-first day of December, in the year of our Lord one thousand eight hundred and seventy-one, or

until

until their successors, who shall enjoy the same rights, privileges and powers of the aforesaid trustees, shall be appointed as hereinafter mentioned, when the two senior trustees, being the first two named, shall cease to hold office, and two trustees shall be chosen by the congregation at their annual meeting; Provided that the trustees so vacating office shall be eligible for re-election, and the names of the trustees so chosen shall be placed at the foot of the general body of trustees, and the like practice shall be continued in each succeeding year.

2. It shall be lawful for the trustees for the time being to make sale of the whole or any part of said lands, at such times and prices, and at such terms and by private or public sale, as they may deem best, and with power to take mortgages to secure the purchase moneys or any part thereof; Provided that the said sale or sales may be subject to the rights of the lessees under the leases now granted of part of said lands; and the said trustees shall have the power to take a surrender of any of the said leases upon such terms as may be agreed upon.

Powers as to lands.

3. At the first meeting of the said trustees they shall elect a chairman and secretary-treasurer for the current year, and all future meetings shall be called by the chairman, either by a written notice to each trustee or by notice from the pulpit on the Sunday of the week preceding the date of meeting.

Election of chairman and treasurer.

Meetings.

4. A majority of said trustees shall be a quorum for the transacting of business, and the chairman shall only be entitled to vote in case of an equality of votes, when he shall have the casting vote.

Quorum.

Vote of chairman.

5. It shall be the duty of the secretary to record, in a book to be kept for that purpose, which book shall be the property of the trustees for the time being, all proceedings and minutes of meetings, and the same may be inspected by any member of the congregation at all reasonable times.

Secretary to keep a record of proceedings.

6. In case of the death, removal, refusal to act, or of having ceased to be a member of said congregation of any person appointed to act as a trustee, the vacancy may be filled by the election of another member of the said congregation by the remaining trustees, at a special meeting to be called as hereinbefore provided.

Vacancy among trustees, how filled.

7. The trustees hereinbefore named, and their successors in office, shall, by the name of "The Trustees of the Stamford Presbyterian Church Lands," hold, occupy, and enjoy as landlords, all right of said lands, and by that name bring or defend any action or suit at law or in equity, against any person or persons, or body corporate, in respect to any matter or thing pertaining to said lands.

Powers of trustees.

Burial places,
powers as to.

8. The said trustees shall have power to appropriate four acres of said land, including that lot marked "Burial Place" upon the trustees' map of said lands, and to grant to any person the exclusive right to use a burial place on any particular portion of said appropriated land, and to charge such fees therefor as they shall reasonably appoint.

By-laws,
power to pass.

9. The said trustees shall have power, from time to time, to make such by-laws as may be necessary and reasonable for the preservation and improvement of all appertaining to said lands, not inconsistent with this or any Act of the late Province of Canada.

CAP. LXXXIX.

An Act to vest the property belonging to the Methodist Episcopal Church in Canada at Ottawa in the present Trustees and their Successors, to be appointed according to the Discipline of the said Church.

[Assented 15th February, 1871.]

Preamble.

WHEREAS it hath been made to appear by the petition of the Reverend Samuel G. Stone, Presiding Elder in the Ottawa District of the Methodist Episcopal Church in Canada, the Reverend George Abbs, the Pastor of the said Church at Ottawa, James G. Robinson, the Treasurer, and Dawson Kerr, the younger, the Secretary of the said Church at Ottawa, that in the deed from the principal officers of Her Majesty's Ordinance conveying to the then Trustees of the said Church, the north half of lot number eighteen on the south side of York Street, in the city of Ottawa, no provision is made in the said deed for the mode of appointing successors to the Trustees named therein, and whereas it appears by the said petition that the said Trustees have either departed this life or have become disqualified from membership in the said Church by removal, except Lewis Williams and Robert Clements, and the said Petitioners have prayed that the title to the said property should vest in the present Trustees of the said Church, namely Lewis Williams of Népean, in the county of Carleton, Samuel Evans, of Gloucester, in the said county, Robert Clements, of Gloucester, aforesaid yeomen, William Minore, of Ottawa, grocer, Hiram Johnston, of Ottawa, gentleman, George H. Godwin, of Ottawa, carpenter, and Robert W. Caldwell, of Ottawa, trader, and their successors in office in perpetual succession to be appointed according to the Discipline of the Methodist Episcopal Church in Canada, as it now is or may hereafter be amended by the general conference, and whereas it is desirable to grant the prayer of the petition; Therefore Her Majesty

Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. All the right, title, estate and interest in and to the said parcel of land conveyed by the said deed from the principal officers of Her Majesty's Ordinance to the original Trustees named therein, shall by virtue of this Act, be now vested in the present Trustees of the said Church, namely Lewis Williams, Samuel Evans, Robert Clements, William Minore, Hiram Johnston, George H. Godwin, and Robert W. Caldwell, aforesaid, and their successors in office in perpetual succession to be appointed according to the discipline of the Methodist Episcopal Church in Canada, as it now is, or as it may hereafter be amended by the general conference.

Certain lands vested in the Trustees of the Methodist Episcopal Church.

2. That in order to pay off any debts now due or owing by the said Church, or that may hereafter be contracted for the building, repairing, extending or improving of the Church on the said land held, it shall and may be lawful for the Trustees or a majority of them, to mortgage the said land upon such terms as may be agreed upon, and from time to time as occasion may require it, to make new and further mortgages for the purposes aforesaid; Provided always, that the mortgagees shall not be bound to see to the application of the moneys so loaned.

Trustees may mortgage the land for certain purposes.

CAP. XC.

An Act to incorporate The Church of England Ladies' School, at Ottawa.

[Assented to 15th February, 1871.]

WHEREAS the Reverend John S. Lauder, John Bower Preamble.
Lewis, Francis Clemow, Charles T. Bate, Henry N. Bate, John C. T. Cochrane, Thomas H. Kirby, A. C. Kelty, the Reverend H. Pollard, Francis Abbott, John A. Torrance, W. R. Wright, George May, Charles Huband, N. Bate, G. P. Baker, W. J. Wills, and James D. Slater, by their petition in this behalf have represented that they and William Spragge, G. W. Wicksteed, T. C. Keefer, Edward Grant, and John Heney, have associated themselves together by the name of the Ottawa Protestant Ladies' School, for the purpose of establishing and conducting a Seminary of Learning for the education of girls, and have opened subscription books and subscribed for stock in the said association, and the said petitioners, in pursuance of a resolution of the stockholders of the said association, have prayed to be incorporated under the name of "The Church of England Ladies' School, at Ottawa;" Therefore Her Majesty,
by

by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Certain persons incorporated.

Corporate name and powers.

Power to pass by-laws.

To accept gifts and hold real estate.

Power to hold lands by gift, devise or bequest.

1. The Reverend J. S. Lauder, the Reverend Henry Pollard, J. D. Slater, William Spragge, J. B. Lewis, J. C. T. Cochrane, J. A. Torrance, G. W. Wicksteed, A. C. Kelty, G. P. Baker, C. T. Bate, H. N. Bate, N. Bate, W. R. Wright, T. C. Keefer, F. Clemow, Edward Grant, John Heney, George May, W. J. Wills, T. H. Kirby, Francis Abbott, and Charles Huband, and such other persons as now are or shall hereafter become shareholders of the said undertaking, are hereby constituted a body corporate and politic, under the name of "The Church of England Ladies' School, at Ottawa," and by the said name they and their successors shall and may have continued succession, and shall be capable in law of contracting and being contracted with, and of suing and being sued, pleading and being impleaded, in all courts or places whatsoever, in law or equity; and they and their successors shall and may have a common seal, and may change or alter the same; and may also, from time to time, at any ordinary meeting of the Council, by a majority of votes, as hereinafter provided, ordain, establish, and put in execution, such by-laws, ordinary rules, and regulations (the same not being contrary to this Act or to the laws in force in the Province) as may appear to them necessary or expedient for the management of the said corporation, its business and affairs, and may from time to time alter or repeal the same or any of them; and shall have power, subject however as to real estate and interests therein, to the provisions hereafter named, to accept, on behalf of the said corporation, gifts and endowments for promoting objects of education, science, and literature, or otherwise, in aid of the general purposes of the said corporation, on such terms as may be agreed upon with the persons bestowing such gift or endowment; and by the same name, may from time to time, and at all times, acquire and hold as purchasers any interests in lands and tenements, and the same alienate, lease, mortgage and dispose of, and purchase others in their stead; Provided always and it is enacted, that the said corporation shall at no time acquire or hold as purchasers any lands or tenements, or interests therein, exceeding in the whole at any one time the annual value of five thousand dollars, nor otherwise than for their actual use or occupation, for the purposes of the said corporation; and it is further enacted, that the said corporation may, by the name aforesaid, from time to time, take or hold by gift, devise or bequest, any lands or tenements, or interests therein, if such gift, devise or bequest be made at least six months before the death of the person making the same; but the said corporation shall at no time take or hold by any gift, devise or bequest, so as that the annual value of any lands or tenements, or interests therein, so to be taken or held by gift, devise or bequest, shall at any one time in the whole exceed the annual value of one thousand dollars; and no lands or tenements, or interests therein, acquired by

by gift, devise or bequest, shall be held by the said corporation for a longer period than seven years after the acquisition thereof, and within such period they shall respectively be absolutely disposed of by the said corporation, so that it no longer retain any interest therein; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages, for the use of the said corporation; and such lands, tenements or interests therein, or such thereof which may not, within the said period, have been so disposed of, shall revert to the person from whom the same was acquired, his heirs, executors, administrators or assigns.

2. The capital stock of the said corporation shall, until Capital stock. otherwise determined, as hereinafter provided, consist of the sum of three thousand dollars, divided into one hundred and fifty shares of twenty dollars each, and shall be paid by such instalments and at such times and places as the Council of the said corporation shall appoint, after notice of not less than one calendar month in that behalf, to be previously given by publication, once in each week, in one or more of the public newspapers published in the city of Ottawa, as well as by circular letters addressed and mailed to every shareholder, at his last named place of residence; and in case any shareholder shall neglect or refuse to pay the same, the corporation are hereby empowered to sue for and recover the same, with interest, at six per centum per annum, from the time appointed to pay the same.

3. The corporation may commence operations and exercise the powers hereby granted so soon as twelve hundred dollars of the said stock shall be subscribed, and fifty per centum thereof paid up. When the corporation may begin busin

4. The parties hereby appointed to the Council of the said corporation are hereby empowered to take all necessary steps for opening the stock books for the subscription of parties desirous of becoming shareholders in the said undertaking; and all parties who have subscribed, or who shall hereafter subscribe to the capital stock of the said association, shall be considered proprietors and partners in the same; Provided that parties who have already subscribed for stock in the said association shall be liable to pay calls thereon, to be made under this Act, without any fresh subscription of stock. Council t open sto books. Rights and liabilities of Subscribers.

5. The said corporation shall have power and legal authority to establish and maintain an institution of learning, to be called by the said name of "The Church of England Ladies' School, at Ottawa," for the education of girls, and direct and manage the same for the purposes of education in the various branches of literature and science, in such manner as they shall deem most conducive to that end. Powers as to education.

Council to
manage affairs

6. The affairs of the said corporation shall be conducted by a Council, to consist of nine members, and until the election, hereinafter provided, takes place, the Reverend J. S. Lauder, J. D. Slater, William Spragge, J. B. Lewis, W. R. Wright, J. C. T. Cochrane, C. T. Bate, J. A. Torrance, and G. W. Wicksteed, shall compose such Council.

General meet-
ings.

7. A general meeting of the shareholders of the said corporation shall be held in the city of Ottawa, at the office of the said corporation, on the first Monday in the month of July, in the year of our Lord one thousand eight hundred and seventy-one, and on the first Monday of the month of July, in each year thereafter; at such general meetings the shareholders present, in person or by proxy, shall elect the members of the Council of the said corporation, who shall each be proprietor of three shares, at least, in the capital stock of the said corporation.

Election of
Council.

Officers, how
appointed.

8. The Council shall appoint one of their number to be chairman, and they shall also appoint a secretary and treasurer (the latter of whom shall give security for the due and faithful performance of his office), and shall also appoint all intermediate officers.

Treasurer to
give security.

One vote on
each share.

9. At all meetings of the proprietors each shareholder may cast one vote for every share held by him; and every question shall be determined by the majority of votes present or represented by proxy at such meeting.

Special gene-
ral meetings.

10. Every meeting of shareholders, other than an ordinary meeting, shall be called a "special general meeting," and such meetings may be convened by the Council at such times and at such places as they may think fit, and a special general meeting of the proprietors at large shall be convened at any time by the Council, on a requisition of any five proprietors requiring them to do so, and such requisition shall fully express the object of the meeting and shall be left with the secretary; and if the Council shall fail to call a meeting within fourteen days thereafter, such proprietors may call a meeting by giving notice as hereinafter mentioned; Provided that no special general meeting shall enter upon business not set forth in such requisition and notice.

Notice of
meetings.

11. Five days' notice of all meetings of shareholders shall be given by mailing circulars addressed to the shareholders at their last known place of residence, which shall specify the place, day, and hour of such meeting.

Quorums.

12. At all general meetings, seven proprietors shall form a quorum.

Chairman
right to vote.

13. At every meeting of the shareholders the chairman, or
in

in his absence one of the members of the Council, who shall be elected by a majority of the proprietors present, shall be chairman, and such chairman shall have a right to vote at all times, and in case of an equality of votes the question shall be held to be decided in the negative. Equality of votes.

14. Every meeting of the stockholders may be adjourned from time to time and no business shall be done at an adjourned meeting other than the business left unfinished at the last meeting from which such adjournment took place. Adjourned meetings.

15. Every person entitled to vote may in writing constitute any other proprietor his or her proxy to vote at such meeting and every such appointment shall be produced to the secretary and entered into a book; Provided always, that such authority shall be executed and bear date within twelve calendar months of the time of the meeting at which it is produced. Votes by proxy.

16. If any of the Members of the Council resign, or become incompetent or ineligible to act, or cease to be a proprietor, the remaining members of the Council shall elect a shareholder having the necessary qualification to fill the vacancy. Vacancies in Council, how filled.

17. The Council shall have the management of the affairs of the corporation; they shall organize and put in operation and carry on the institution of learning for which the corporation is authorized; they may make and enforce calls upon shareholders; they shall fix the salaries of the principal teachers and other officers or servants; they shall take control of, manage, and may vary, repeal and make all the regulations relating to the management, government and discipline of the said institution, its services, studies, lectures, exercises and instructions; they may make any payments and enter into all contracts for the purposes of the corporation; they may generally deal with, treat, sell and dispose of and acquire the lands, property, and effects of the said corporation for the time being in such manner as they shall deem expedient and conducive to the benefit of the corporation; they may appoint and displace the principal and all such officers, professors, teachers agents or servants as they shall deem requisite for the management and care of the property and affairs of the corporation; they may make by-laws for the regulation of the affairs of the corporation and defining the duties of the principal and the several teachers and officers of the corporation and for the internal management of the school in all its details; but all the powers so to be exercised shall be in accordance with and subject to the provisions of this Act, and the exercise of all such powers shall be subject to the control and regulation of any general meeting, but not so as to render invalid any act done by the Council prior to any resolution passed by such general meeting. Powers of the Council.

18. The Council shall hold meetings at such times and places as Meetings of Council.

Voting.

Who to pre-
side.

Shares, how
transferred.

Payment of
calls, how
enforced.

Capital stock,
when and how
it may be
increased.

Secretary to
keep certain
books.

as they shall appoint for that purpose, and they may meet and adjourn as they think proper and at any time three of the members of the Council may require the Secretary to call a meeting of the Council, and in order to constitute such meetings there shall be present at least five of the members of the Council; and all questions shall be determined by a majority of votes, the chairman shall have a right to vote at all times, and in case of an equality of votes the question shall be held to be decided in the negative. The chairman or in his absence a member of the Council to be chosen by the other members present shall preside.

19. The shares of the said capital stock shall not be transferred until paid up unless such transfer shall be sanctioned by the Council and duly registered by the secretary in the transfer book; and no person shall sell or transfer any stock until he shall have paid all calls for the time being due on any share held by him.

20. The Council may enforce payment of all calls and interest thereon by action in any competent court; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is holder of one share or more stating the number, and is indebted in the sum of money to which the calls in arrear amount in respect to one call or more, stating the number of calls and the amount of each whereby an action hath accrued to the corporation under this Act; and a certificate under their seal and purporting to be signed by an officer of the corporation to the effect that the defendant is a shareholder and that so much is due by him and unpaid thereon shall be received in all courts of law and equity as *prima facie* evidence to that effect.

21. The Council, if they see fit, at any time after the whole capital shall be subscribed for, may from time to time make a by-law or by-laws for increasing the capital stock to such amount or amounts as the Council shall see fit, not however to exceed in the whole fifty thousand dollars; but no such by-law shall have any force or effect whatsoever until after it shall have been sanctioned by a vote of not less than two-thirds in amount of all the stockholders at a general meeting of the corporation duly called for the purpose of considering such by-law, and such by-law shall declare the number and value of the shares of such new stock, and prescribe the manner in which the same shall be allotted, and in default of so doing the control of such allotment shall be held to vest in the Council.

22. The secretary shall cause a book or books to be kept, wherein shall be recorded:—

(1.) A correct copy of the prospectus or declaration and original stock list referring to the same, as also every by-law and supplementary declaration for increasing the capital stock;

(2.)

(2.) The names, alphabetically arranged, of all persons who are or have been proprietors ;

(3.) The address or calling of every such person while such proprietor ;

(4.) The number of shares held by each ;

(5.) The amounts paid in and unpaid respectively by each proprietor ;

(6.) All transfers or surrenders of stock in their order as presented to the secretary for entry, with the date and other particulars of each transfer ;

(7.) The names, addresses and callings of all persons who are or have been members of the Council, with the date at which each became or ceased to be such member.

23. Such books shall, during reasonable business hours of every day except Sundays and holidays, be kept open for the inspection of all proprietors and creditors of the said corporation, or their representatives, at the office or chief place of business of the said corporation, and to make extracts therefrom. Books as to shareholders to be open to inspection.

24. Every contract, agreement or engagement made on behalf of the corporation by any of its agents, officers or servants, in general accordance with his powers as such under the by-laws, shall be binding upon the corporation, and in no case shall it be necessary to have the seal of the said corporation affixed thereto, nor shall the party so acting as agent, officer or servant of the said corporation be thereby subjected individually to any liability to any third party therefor; Contracts of the corporation. Provided always, that the Corporation shall not be authorized to issue any note payable to bearer, or intended to be circulated as money or as the note of a bank. Proviso.

25. Each of the said proprietors or shareholders, until the whole of his stock shall have been paid up, shall be individually liable to the creditors of the corporation to an amount equal to that not paid up thereon, but shall not be liable to an action by any creditor before an execution against the corporation has been returned unsatisfied in whole or in part, and the amount due on such execution shall be the amount recoverable, with costs, against such proprietors. Liabilities of shareholders to amount of his shares, after execution against the company.

26. The proprietors in the said corporation shall not as such be held responsible for any act, default or liability whatsoever of the said corporation, or for any engagement, claim, payment, loss, injury, transaction, matter, or thing whatsoever relating to or connected with the corporation beyond the amount of their respective shares in the capital stock therein. Non-liability of shareholders beyond amount of shares.

Returns to be
made to the
Lieut.-Gover-
nor or the
Legislature.

27. The said corporation shall, at all times, when thereunto required by the Lieutenant-Governor or by the Legislative Assembly, make a full return of all its property, real and personal, and of its liabilities, receipts and expenditure to the Lieutenant-Governor or Legislative Assembly requiring, for such period, and with such details and other information as the Lieutenant-Governor or the Legislative Assembly may require.

CAP. XCI.

An Act to amend the Act amending the Act Incorporating Albert College.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS it has been represented by petition on behalf of Albert College, an Institution of learning in the Township of Thurlow, near the Town of Belleville in this Province, that University powers so far as relate to Degrees in Arts, were conferred on the said College, in the year one thousand eight hundred and sixty-six by an Act of the Parliament of the late Province of Canada, and that the Institution has since that time been in full and successful operation; and that in the opinion of the petitioners the usefulness of the College might be extended by conferring on it the other powers and privileges of an University, and whereas it is expedient that the same be granted; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

29 & 30 Vic.
c. 136 s. 3
amended.

1. The third section of the Act of the Parliament of the late Province of Canada passed in the session held in the twenty-ninth and thirtieth years of Her Majesty's reign, chaptered one hundred and thirty-six, and intituled "An Act to amend the Act incorporating Belleville Seminary and to confer on the same University powers so far as regards Degrees in Arts," is hereby amended by adding to the said third section the words "and to prevent any confusion the said Senate shall have a seal separate and distinct from the seal of the said Board of Management."

Sec. 7 amen-
ded.

2. The seventh section of the said Act is hereby amended by substituting the word "Senate" for the word "College" in the second line thereof.

Sec. 11 amen-
ded.

3. The eleventh section of the said Act is hereby amended by striking out the words "of Arts and Master of Arts" after the

the word "Bachelor" in the second line of the said section and inserting in lieu thereof the words "Master and Doctor in the several Arts and Faculties."

CAP. XCII.

An Act to incorporate the Sisters of St. Joseph of the Diocese of London, in Ontario.

[Assented to 15th February, 1871.]

WHEREAS an Association of Religious Ladies hath existed for some time in the Diocese of London, in the Province of Ontario, under the name of the "Sisters of St. Joseph," who have formed an institution for the reception and instruction of Orphans, and the relief of the poor, the sick and other necessitous, and whereas the said Ladies have by their petition prayed, that the said Association may be incorporated and, in consideration of the great benefits which must arise from the said Association, it is expedient to grant their prayer; Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Sister Ignatius and Sister Bonaventure and Sister Vincent and such other persons, as shall, under the provisions of this Act, become members of the said Association, shall be and are hereby declared to be a Body Politic and Corporate by the name of "The Sisters of St. Joseph of the Diocese of London, in Ontario," and by that name shall have perpetual succession, and a common seal, and shall have power from time to time to alter, renew or change such common seal at their pleasure, and by the same name may from time to time, and at all times, acquire and hold as purchasers any interests in lands and tenements within such diocese, and the same alienate, lease, mortgage and dispose of, and purchase others in their stead; Provided always, and it is enacted, that the said corporation shall at no time acquire or hold as purchasers any lands or tenements, or interests therein, exceeding in the whole at any one time the annual value of five thousand dollars, nor otherwise than for their actual use or occupation, for the purposes of the said corporation. And it is further enacted, that the said corporation may, by the name aforesaid, from time to time, take or hold by gift, devise or bequest, any lands or tenements, or interests therein, within such diocese, if such gift, devise or bequest be made at least six months before the death of the person making the same; but the said corporation shall at no time take or hold by any gift, devise or bequest, so as that the annual

Preamble.

Certain persons incorporated.

Power to acquire real property.

And sell.

Power to
make rules,
etc.

annual value of any lands or tenements or interests therein, so to be taken or held by gift, devise or bequest, shall at any one time in the whole exceed the annual value of one thousand dollars; and no lands or tenements, or interests therein, acquired by gift, devise or bequest, shall be held by the said corporation for a longer period than seven years after the acquisition thereof; and within such period they shall respectively be absolutely disposed of by the said corporation, so that it no longer retain any interest therein; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages, for the use of the said corporation; and such lands, tenements or interests therein, or such thereof which may not, within the said period have been so disposed of, shall revert to the person from whom the same was acquired, his heirs, executors, administrators or assigns; and the said Sisters and persons, members as aforesaid, by the same name shall and may be able and capable in law to sue and be sued, implead and be impleaded, answer and be answered unto in all Courts of Law and Equity and places whatsoever in as large, ample and beneficial a manner as any other body politic or corporate or as any persons able or capable in law may or can sue and be sued, implead and be impleaded, answer and be answered unto in any manner whatsoever; And the Mother Superior and her Council for the time being shall have power and authority to make and establish such rules, orders, and regulations, not contrary to this Act nor to the laws in force in this Province, as shall be deemed useful or necessary for the interests of the said corporation and for the management thereof, and for the admission of members into the said corporation, and from time to time to alter, repeal and change such rules, orders and regulations or any of them or those of the said Institution in force at the time of the passing of this Act, and shall and may do execute and perform all and singular other the matters and things relating to the said corporation and the management thereof, or which shall or may appertain thereto, subject nevertheless to the rules, regulations, stipulations and provisions hereinafter prescribed and established.

Income from
property, how
to be applied.

2. Provided always, that the rents, revenues, issues and profits of all property real or personal held by the said corporation, shall be appropriated and applied solely to the maintenance of the members of the Corporation, the construction and repairs of the buildings requisite for the purposes of the said corporation and to the advancement of education and the payment of the expenses to be incurred for objects legitimately connected with or depending on the purposes aforesaid.

Property vest-
ed in the cor-
poration.

3. All and every the estate and property real or personal belonging to or hereafter to be acquired by the Sisters of the said Association as such, and all debts claims and rights whatsoever due

due to them in that quality shall be and are hereby vested in the corporation hereby established ; and the rules, orders and regulations now made or to be made for the management of the said Association shall be and continue to be the rules orders and regulations of the said corporation until altered or repealed in the manner herein provided. Present rules continued.

4. Nothing herein contained shall have the effect or be construed to have the effect of rendering all or any of the said several persons hereinbefore mentioned, or all or any of the members of the said corporation or any person whatever, individually liable or accountable for or by reason of any debt, contract or security incurred or entered into for or by reason of the corporation or for or on account or in respect of any matter or thing whatsoever relating to the said corporation. Exemption from liability.

5. The Mother Superior and Council of the said corporation for the time being shall have power to appoint such Attorney or Attornies of the property of the corporation and such officers and teachers and servants of the said corporation as shall be necessary for the well conducting of the business and affairs thereof; and to allow to them such compensation for their services respectively as shall be reasonable and proper; and shall have power to remove such attorney, officers, teachers and servants employed in and about the said Institution and to appoint others in their place and stead; and all officers so appointed shall during the continuance of such appointment be capable of exercising such other powers and authority for the well governing and ordering of the affairs of the said corporation as shall be prescribed by the rules, orders and regulations of the said corporation. Power to appoint officers &c.

6. And the said Superior and Council shall have full power and authority to apprentice or bind out to any healthy trade, business or occupation the children received into the said Institution; and shall have and may exercise over and with respect to them such powers as their parents if living would have and might exercise. Power to apprentice.
Power over the children.

7. It shall be the duty of the said corporation, when thereunto required by the Legislature, to lay before that body a statement of the real or immoveable property or estate held by virtue of this Act, and such details thereof as the Legislature may require. Returns to be made to the Legislature.

CAP. XCIII.

An Act to Incorporate The Sisters of Our Lady of Charity and Refuge at Ottawa.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS an institution hath existed for some years past at the City of Ottawa in the Province of Ontario, under the name of The Magdalene Asylum for the reformation of repentant females desirous of withdrawing from vice, and for affording a refuge for destitute children, under the management of the ladies hereinafter mentioned, known as "The Sisters of our Lady of Charity and Refuge," and whereas the said ladies have by their petition prayed that they may be incorporated, and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Certain persons incorporated.

Corporate name.

Power to hold and dispose of real estate.

1. That Julia Fourneux, Elizabeth Stufler, Catharine Lux, Leonora Montrose, Sarah Jane Bingham, and Mary Ellen Kehoe, and all others who shall under the provisions of this Act become members of the said institution, shall be, and are hereby declared to be, a body politic and corporate in deed and in name, by and under the name of "The Sisters of our Lady of Charity and Refuge at Ottawa," for all, each and every of the purposes mentioned in the preamble of this Act; and by the same name, may from time to time, and at all times, acquire and hold as purchasers any interests in lands and tenements, and the same alienate, lease, mortgage and dispose of, and purchase others in their stead; Provided always, and it is enacted, that the said corporation shall at no time acquire or hold as purchasers any lands or tenements, or interests therein, exceeding in the whole at any one time the annual value of five thousand dollars, nor otherwise than for their actual use or occupation, for the purposes of the said corporation; and it is further enacted, that the said corporation may, by the name aforesaid, from time to time, take or hold by gift, devise or bequest, any lands or tenements, or interests therein, if such gift, devise or bequest be made at least six months before the death of the person making the same; but the said corporation shall at no time take or hold by any gift, devise or bequest, so as that the annual value of any lands or tenements, or interests therein, so to be taken or held by gift, devise or bequest, shall at any one time in the whole exceed the annual value of one thousand dollars; and no lands or tenements, or interests therein, acquired by gift, devise or bequest, shall be held by the said corporation for a longer period than seven years after the acquisition thereof,

and

and within such period they shall respectively be absolutely disposed of by the said corporation, so that it no longer retain any interest therein; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages, for the use of the said corporation; and such lands, tenements or interests therein, or such thereof which may not, within the said period, have been so disposed of, shall revert to the person from whom the same was acquired, his heirs, executors, administrators or assigns; and the majority of the members of the said corporation for the time being shall have power and authority to make and establish such by-laws, orders, and regulations, not being contrary to this Act, nor to the laws in force in the Province of Ontario, as shall be deemed useful and necessary for the interests of the said corporation and for the management thereof, and for the admission of members into the said corporation, and from time to time to alter, change or repeal the said by-laws, orders and regulations, or any of them, or those of the said institution in force at the time of the passing of this Act: and shall and may do, execute and perform all and singular other the things relating to the said corporation and the management thereof, or which shall or may appertain thereto, subject, nevertheless, to the rules, regulations, stipulations and provisions hereinafter prescribed and established.

Power to make
by-laws, etc.

2. Provided always, that the rents, revenues, issues and profits of all the property, real and personal, held by the said corporation shall be appropriated and applied solely to the purposes of the said corporation, and the payment of the expenses legitimately incurred in carrying out any of the objects above referred to.

Rents and
profits, how to
be applied.

3. That all and every the estate and property, real and personal, belonging to or hereafter to be acquired by the members of the said institution as such, and all debts, rights and claims whatever due to them in that quality, shall be and are hereby vested in the corporation hereby established; and the by-laws, orders and regulations now made or to be made for the management of the said corporation shall be and continue to be the by-laws, orders and regulations of the said corporation until altered or repealed in the manner herein provided.

Existing pro-
perty and
claims vested
in the corpora-
tion.

Existing by-
laws continued

4. The said corporation shall, whenever required by the Legislative Assembly of Ontario or the Government of Ontario to do so, make a return to the Legislative Assembly of Ontario, stating the names of the members, number of penitents and persons received into the asylum, and the general state of the endowment and corporation, and the property and affairs thereof.

Returns to be
made to the
Legislative
Assembly.

CAP. XCIV.

An Act to Incorporate the Trustees of the Friends' Seminary of the Province of Ontario.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS an Act was passed by the Legislature of the late Province of Canada in the session held the tenth and eleventh years of Her Majesty's reign, chaptered one hundred and four, intituled "An Act to incorporate the Trustees of the Friends' or Quaker's Seminary in the township of Hallowell in the district of Prince Edward," and whereas said Seminary was and is the property of the Society of Friends now composing the yearly meeting of Friends of Canada, and whereas it has been represented by the petition of Allen M. Dorland, Gilbert Jones, and William T. Hubbs, three of the Trustees of the Friends' Seminary appointed by the authority of the Act passed in the session held in the tenth and eleventh years of the reign of Her Majesty, chaptered one hundred and four, and fully authorized to act on the behalf of the said corporation, that it is the opinion of the said yearly meeting of Friends that the usefulness of the said Seminary would be largely increased by changing its location to the township of Pickering near the village of Duffins Creek, in the county of Ontario in the said Province of Ontario, and that a new Act of Incorporation is thereby rendered desirable, and whereas it is proper to grant the prayer of said petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Society of
Friends autho-
rized to estab-
lish a Semin-
ary.

Authority to
appoint
Trustees.

Corporate
name.

Power to hold
lands.

1. The yearly meeting of the Religious Society of Friends of Canada shall have power and are hereby authorized to establish a Seminary in the township of Pickering near the village of Duffins Creek, for the purpose of giving a sound practical education including the classics; and for the furtherance of that object are empowered at their annual meeting in the said township of Pickering to appoint three trustees, who shall be members of said society and residents of this province, in accordance with the usages of said society, who shall hold office during pleasure; and that they and their successors in office shall be a body politic and corporate, constituted and known as "The Trustees of the Friends' Seminary of Ontario," and shall by that name have perpetual succession and a common seal with power to alter, renew, or change the same at pleasure; and by the said name, may from time to time, and at all times, acquire and hold as purchasers any interests in lands and tenements, and the same alienate, lease, mortgage and dispose of, and purchase others in their stead; Provided always, and it is enacted

enacted, that the said corporation shall at no time acquire or hold as purchasers any lands or tenements, or interests therein, exceeding in the whole at any one time the annual value of five thousand dollars, nor otherwise than for their actual use or occupation, for the purposes of the said corporation; and it is further enacted, that the said corporation may, by the name aforesaid from time to time, take or hold by gift, devise or bequest, any lands or tenements, or interests therein, if such gift, devise or, bequest be made at least six months before the death of the person making the same; but the said corporation shall at no time take or hold by any gift, devise or bequest, so as that the annual value of any lands or tenements, or interests therein, so to be taken or held by gift, devise or bequest, shall at any one time in the whole exceed the annual value of one thousand dollars; and no lands or tenements, or interests therein, acquired by gift, devise or bequest, shall be held by the said corporation for a longer period than seven years after the acquisition thereof, and within such period they shall respectively be absolutely disposed of by the said corporation, so that it no longer retain any interest therein; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages, for the use of the said corporation; and such lands, tenements, or interests therein, or such thereof which may not, within the said period, have been so disposed of, shall revert to the person from whom the same was acquired, his heirs, executors, administrators, or assigns. And the said corporation may by the said name sue Corporation may sue and be sued in corporate name. and be sued in all courts of Law and Equity in as large, ample, and beneficial a manner as any body politic or corporate in this province.

2. That the affairs of the said Institution shall be under the management of a Committee of five or more members of the Canada yearly meeting of Friends, five of whom shall form a quorum for business, to hold office during pleasure; and to have authority and power to make by-laws, rules, and regulations, not being contrary to this Act, or to the laws of this province, or to any by-laws, rules, and regulations now or hereafter to be made by the aforesaid Society of Friends of the said Canada yearly meeting for the government and management of the said Institution and of the affairs and property thereof, and for all other purposes relating to the well being and interest of the same, and the same to annul, alter, or repeal at pleasure in such manner as shall be deemed necessary or expedient. Affairs to be managed by a Committee. Power to pass by-laws.

3. The Trustees appointed in accordance with the provisions of this Act shall be at all times *ex officio* members of the committee of management, and it shall be the duty of them or either of them to affix the corporate seal to each and every document drawn up or issued by the said committee, and every such document thus sealed and signed by the clerk of the committee shall be held to be an act of the corporation. The Trustees *ex officio* members of the Committee.

Present property and assets vested in certain trustees.

Annual return to be made to the Chief Superintendent of Schools.

Rights of others not to be affected.

Statement to be made to the Legislature.

4. All and every of the estate and property real or personal of the Institution referred to in the preamble to this Act, or of the Institution to which this Act refers, including all valid bequests made to the said Institution held at the time of the passing of this Act, and all debts due or rights possessed by the said Institution, or either of them, at the said time, shall be and are hereby vested in the said Trustees hereby constituted and appointed, namely, Allen M. Dorland, Gilbert Jones, and William T. Hubbs, and their successors in office, who shall in like manner be liable to, and for all debts due by, or claims upon, the said Institution: Provided always, that a detailed account of the property to be holden by the said Institution under the authority of this Act; including a general account of the year's operations, the number of pupils in attendance, their classification, and when the Institution is in operation, shall be presented annually to the Chief Superintendent of schools, and so much of it as he deems expedient, be by him embodied in his annual report.

5. Nothing herein contained shall affect or be construed to affect in any manner the rights of Her Majesty, her heirs or successors, or of any person or persons, body politic or corporate, such only excepted as are hereinbefore mentioned and provided for.

6. The said Trustees shall be liable to render a statement of their affairs when required by the Legislature of Ontario.

CAP. XCV.

An Act to Incorporate the Trustees of the Toronto General Burying Ground, to confirm certain purchases made by them, to authorize them to acquire additional lands for the purposes of the said trust, and to amend the Acts relating to the said trust.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS the Honourable William McMaster, James Lesslie, Andrew T. McCord, John Paterson, Thomas Dick, and Robert Walker, the trustees of the Toronto General Burying Ground, have by their petition, among other things set forth, that in pursuance of the authority vested in them by the Act of the Province of Canada, passed in the eighteenth year of the reign of Her Majesty Queen Victoria, chaptered one hundred and forty-six, they had contracted to purchase from the Toronto Necropolis, for the sum of three thousand seven hundred and fifty pounds, the lands and premises following; Firstly, all and singular

singular that certain parcel or tract of land and premises situate, lying, and being in the city of Toronto, in the county of York, and being composed of part of a range of building lots north of the park reserve in the city of Toronto aforesaid, laid out for the Reverend Henry Scadding and Colley Foster by Charles Rankin, deputy provincial surveyor, and butted and bounded, or may be otherwise known as follows, that is to say, commencing where a post has been planted at a point where the southern limit of certain lands conveyed by one John Scadding to one Thomas Ward, on or about the eighteenth day of April, one thousand eight hundred and thirty-nine, is intersected by the easterly side of Sumach Street, produced on a course north sixteen degrees west; then north seventy-four degrees east along the said southern limit, one chain eighty links to a post; then south seventy-three degrees forty-five minutes east along the limit of a certain piece of land conveyed by the said Reverend Henry Scadding and Colley Foster to the said Thomas Ward, on or about the twenty-fourth day of November, one thousand eight hundred and forty two, three chains forty-seven links and a half, more or less to a post; then north seventy-four degrees east along said last mentioned limit, three chains sixty-three links to a post; then south sixteen degrees east five chains twenty-five links, more or less, to a post planted on the north side of the new road; then south seventy-four degrees west along the new road, eighty chains forty-two links and a half to where a post has been planted on the easterly side of Sumach Street produced as aforesaid; then north sixteen degrees west seven chains, more or less, to the place of beginning, containing by admeasurement five acres be the same more or less; secondly, All and singular that certain parcel or tract of land situate, lying, and being in the liberties of the said city of Toronto, in the said county of York, and known and described as part of park lots numbers one and two in the First Concession from the Bay. formerly in the township of York, and butted and bounded as follows, that is to say, commencing where a post has been planted at the north side of a private road or way, marked and described on a certain map or plan drawn by Charles Rankin, deputy provincial surveyor, dated the nineteenth day of April, in the year of our Lord one thousand eight hundred and forty-two, which post is at the distance of eight chains and forty-two and one half links from the easterly side line of Sumach Street produced on a course north sixteen degrees west, and is at the south-east angle of a parcel of land containing five acres, heretofore conveyed by the Reverend Henry Scadding, then of the said city of Toronto, clerk, and Colley Foster, then of the city of Toronto, Esquire, to John Taylor, Thomas Taylor, and George Taylor, by indenture bearing date on or about the twenty-ninth day of December, in the year of our Lord one thousand eight hundred and forty-three; then north seventy-four degrees east along said private road or way twenty-eight links and a half; then north sixty-four degrees and forty-five minutes east four chains and
 forty-six

forty-six links; then north fifty-six degrees fifteen minutes east along said road two chains sixty-eight links; then north forty-five degrees east three chains five links; then north six degrees thirty minutes east along said road two chains fifteen links, more or less to the south-east angle of a piece of land formerly conveyed by the Reverend Henry Scadding and Colley Foster above named to one Thomas Ward, by indenture dated on or about the twenty-fourth day of November, one thousand eight hundred and forty-two; then south seventy-four degrees west along the southern boundary of the last named piece of land ten chains sixty-two links, more or less, to where a post has been planted at the north-east angle of the land sold to the Taylors aforesaid, which angle is at the distance of eight chains forty-two and one half links from the easterly side of Sumach Street, produced as aforesaid; then south sixteen degrees east along the east boundary of last mentioned parcel, five chains and twenty-five links to the place of beginning, containing by admeasurement four acres and fourteen hundredth parts of an acre, be the same more or less; thirdly, All and singular that certain parcel or tract of land and premises, situate, lying, and being in the liberties of the said city of Toronto, in the said county of York, and being composed of part of the park and other lots formerly owned by the late Mr. Scadding, and his estate on the west side of and adjoining the river Don, and in rear of the park reserve in the First Concession from the Bay, formerly in the township of York, but now in the liberties of the said city of Toronto, and which said parcel or tract of land is butted and bounded, or may otherwise be known and described as follows, that is to say, commencing at a stake placed at the north-east angle of ground now laid out for the Toronto Necropolis, nineteen chains and four links on a course north, seventy-four degrees east from the east side of Sumach Street, on the north side of the plank road; thence north fifty-four degrees thirty minutes west three chains sixty-four links; then north forty-seven degrees thirty minutes west two chains and thirty-four links; then north sixty-three degrees thirty minutes west two chains and fourteen links; then south sixty-two degrees thirty minutes west five chains and thirteen links, more or less, to a stake placed at the north-east angle of land now in the possession of Mr. Lamb; thence along the eastern boundary of the said land south, sixteen degrees east five chains and twenty-four links, more or less, to the northern boundary line of the Toronto Necropolis; thence along the said boundary line north, seventy-four degrees east ten chains and ten links to the place of beginning, containing by admeasurement four acres two roods and twenty-six perches and a half, be the same more or less; That they duly paid the purchase money therefor, and that by deed dated the seventeenth day of July, one thousand eight hundred and fifty-five, and made between John McMurrich, of the city of Toronto and Province of Canada, merchant; John Shaw, of the same place, merchant; Alexander McGlashan, also of the same place, merchant

merchant, of the first part, Janet McMurrich, Elizabeth McGlashan, and Margaret Shaw, wives of the said parties of the first part, respectively of the second part, and the Toronto Necropolis of the third part; William McMaster, of the said city of Toronto, merchant, David Paterson, of the same place, merchant, James Lesslie, of the same place, merchant, Peter Freeland, of the same place, manufacturer, Thomas Helliwell, of the same place, Esquire, John Ewart, of the same place, Esquire, and Thomas David Morrison, of the same place, gentleman, of the fourth part, after reciting that the said parties of the first part were seized in fee simple as tenants in common of, and in the parcels of land therein described, which said parcels of land had been theretofore used by the said parties thereto of the first part, then being the sole proprietors of the Toronto Necropolis, for the purposes and objects for which the same was incorporated, the said lands above mentioned were granted and conveyed to the said parties thereto of the fourth part as trustees of the Toronto General Burying Ground, subject nevertheless, to any appropriation and disposition that had been made previously to the date of said deed of any lots or parcels thereof by the said parties of the first part to said deed for burial purposes, and whereas the said petition further set forth that the Trustees of the Toronto General Burying Ground, in further pursuance of the authority so vested in them, purchased from the Corporation of the city of Toronto, at and for the price or sum of five thousand three hundred and fourteen dollars, which said sum had been fully paid the following lands lying adjacent to the lands above described, being firstly, all that certain piece or parcel of land, being part of lots numbers fifteen and sixteen in the First Concession from the Bay, in the township of York, in the county of York, and which is butted and bounded as follows, commencing where a stake has been planted at the intersection of the east side of Sumach Street and the north side of Elm Street, thence north sixteen degrees west, seven chains to the intersection of the east side of Sumach Street, with the south side of the Don Mills Road, now called Winchester Street; then easterly and northerly along the south side of the said road, about twenty-five chains twenty-five links, more or less, to the west bank of the river Don; thence south fifty-three degrees thirty minutes east with the stream along the bank of the said river, two chains twenty-four links to a stake; thence south three degrees thirty minutes west three chains twenty-two links; thence south forty-two degrees fifteen minutes west ten chains fifty-three links; thence south twenty-five degrees west three chains sixty links; thence south ten degrees fifteen minutes west one chain forty-one links, more or less, to the north side of Elm Street; then south twenty-four degrees west eight chains sixty-three links, more or less, to the place of beginning, and which said piece or parcel of land contains by admeasurement eleven acres and twenty-one hundredths of an acre, more or less, statute measure being high land; and secondly, All that other certain piece

or

or parcel of land, being part of the above mentioned lots, numbers fifteen and sixteen in the First Concession from the Bay, in the township of York aforesaid, and which is butted and bounded as follows, commencing at a stake placed on the north side of Elm Street, on a course north, seventy-four degrees east, at a distance of eight chains sixty-three links from the intersection of the east side of Sumach Street and north side of Elm Street; thence north seventy-four degrees east four chains fifteen links to the west bank of the river Don; thence against the stream, following the windings of the river about twelve chains to a stake placed on the bank on the west side of a proposed cut or canal one hundred feet wide; thence north twenty-three degrees fifty minutes west six chains sixty-six links, to the west bank of the river Don where a stake has been planted, thence against the stream north fifty-three degrees thirty minutes west one chain twenty-three links, to a stake heretofore described; then south three degrees thirty minutes west three chains twenty-two links; thence south forty-two degrees fifteen minutes west ten chains fifty-three links; thence south twenty-five degrees west three chains and sixty links, thence south ten degrees fifteen minutes west one chain forty-one links, more or less, to the place of beginning, containing by admeasurement six acres and fifteen hundredths of an acre, more or less statute measure, being low land or flats, according to a map or plan of the same thereunto annexed, and by deed dated the first day of February, one thousand eight hundred and sixty-four, and made between the said The Corporation of the City of Toronto of the first part, and William McMaster, James Lesslie, Andrew T. McCord, Thomas Dick, Richard Yates, John Paterson, and William Freeland, all of the city of Toronto, esquires, trustees of The Toronto General Burying Ground of the second part, the said piece of land was granted and conveyed by the said the Corporation of the City of Toronto to the said parties of the second part as such trustees, subject nevertheless as to one acre of the high land thereby conveyed to be selected by the said trustees, that the same should be held upon trust, that the said trustees should hold, use and employ the same for ever for the purpose of the burial of the destitute poor without charge, the graves therein to be dug and filled at the expense of the parties of the second part their successors or assigns, the interments in such acre to be made only on the written order of the Mayor of the city of Toronto for the time being; That the trustees aforesaid entered into possession of the said lands and premises at or about the dates of the said deeds, and had used and occupied the same solely for the purposes and object of the said trust, and had expended large sums of money in ornamental gardening, in levelling, fencing and draining, beautifying and improving said lands, and the said trustees, in the name of and as the act and deed of the Toronto Necropolis, had sold and conveyed lots in said parcel of land first above described for the purposes of burial, and numerous bodies had been interred therein; That doubts had arisen as to the right of the said trustees to make such

such conveyances, and also as to the validity of the two deeds above in part recited, and the power of the said trustees to hold and receive the said lands, and whereas the said petition further set forth that, in consequence of the increase of the inhabitants of the said city of Toronto, the said lands above described and so held by the said trustees are wholly inadequate for the objects of the said trusts; and that it is expedient that the said trustees should have power to acquire additional lands in the township of York for the purposes of the said trust; and that it is desirable that resident householders of the village of Yorkville and of the township of York may be eligible for selection to fill vacancies as trustees, and that the choice should not be limited to resident householders of the city of Toronto; and that it is expedient that the said trustees and their successors should be constituted a body corporate by the name of "The Trustees of the Toronto General Burying Grounds;" and that it is expedient that the provisions hereinafter contained should be enacted for the better management of the said trust, and whereas it is prayed by the said petition that the said trustees shall be incorporated and the said deeds confirmed, and the said corporation empowered to hold said lands and acquire additional lands for the purposes of the said trust, and that the provisions hereinafter contained should be enacted for the better management of the said trust, and whereas it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said the Honorable William McMaster, James Lesslie, Andrew T. McCord, John Paterson, Thomas Dick and Robert Walker and John McDonald, and their successors, are hereby constituted and declared a body, corporate and politic, by the name of "The Trustees of the Toronto General Burying Grounds," and by that name shall have perpetual succession and a common seal, and by that name shall sue and be sued, plead and be impleaded in all courts whatsoever, and shall have all the powers vested in corporations generally by the Interpretation Act.

Incorporation.

Corporate name.

2. All the estate, real and personal, now vested in or owned or held by the Trustees of the Toronto General Burying Ground is hereby vested in and transferred to the said corporation hereby constituted, and all the powers and privileges granted to the said trustees by any former Act or Acts of the Province of Upper Canada or of Canada are hereby granted to said corporation, subject nevertheless, to all the conditions and duties imposed on said trustees not inconsistent with the provisions of this Act; and the said corporation shall be liable for all the debts, obligations and liabilities of the said trustees of the Toronto General Burying Ground.

The estate, real and personal, held by Trustees to vested in the Corporation.

3. The said deeds mentioned in the preamble to this Act are

Deeds recited

are

in preamble confirmed.

are hereby confirmed, and the lands and premises therein described are hereby vested in the said corporation hereby constituted in fee simple, and the said corporation is hereby empowered to receive and hold the same for the purposes of said trust, subject nevertheless, to the provisoes and conditions in said deeds contained, and subject also, as to certain lots therein, to the right and title of such persons as have purchased said lots for burial purposes from the said trustees, which said sales and the conveyances granted therefor, in the name of the Toronto Necropolis, are hereby confirmed.

Certain persons eligible as trustees.

4. Resident householders of the village of Yorkville, or of the township of York, shall be eligible for selection to fill vacancies as trustees of the said corporation.

Power to acquire additional lands.

5. The said corporation hereby constituted is hereby empowered to select and contract for an additional piece or additional pieces of lands well adapted for the purpose of a public cemetery or cemeteries in the township of York, which said piece or pieces of land shall and may be conveyed to and vested in the said corporation to hold the same for the purposes herein-after declared.

Lands held by corporation to be surveyed and sub-divided; maps thereof to be registered.

6. The said lands above described, and any other lands acquired by the said corporation shall be used exclusively as a cemetery or cemeteries or places for the burial of the dead, and for this purpose shall be designated by appropriate names, and be surveyed and sub-divided into lots of a convenient size, respectively designated and numbered, and with such paths and avenues as may be deemed advisable, and a map or maps of such survey shall be filed in the registry office of the city or county or part of county in which the lands or lots are situate; and when the said corporation shall have acquired an indefeasible title in fee to the premises free and clear of all incumbrances, and shall have filed the said map or maps in the office aforesaid, the said corporation may sell, convey or otherwise dispose of the said lots to any person or persons on such terms and conditions and subject to such by laws of the corporation, and at such prices as shall be agreed on, to be used and appropriated exclusively for the burial of the dead, which conveyances shall be under the seal of the corporation and signed by the secretary thereof.

Authority to sell lots for burial purposes.

Improvement of lands.

7. The said corporation may enclose, lay out, improve and embellish such land in such manner, and may erect such buildings thereon, as the nature of the establishment may require, and may also further take and hold such personal property as may be necessary and proper for attaining the objects and carrying into effect the purposes of the said corporation.

Power to hold personal property.

Lands not to

8. It shall not be lawful for the said corporation at any time

time to make, do, commit or cause any act, matter or thing whatsoever whereby the said cemeteries or burying grounds and the lands and premises appertaining thereto, or any part thereof, can or may be in anywise impeached or encumbered in title, charge, estate or otherwise.

9. That all lots of ground, when conveyed and designated and numbered as lots by the said corporation, shall be indivisible, but may be held and owned as undivided shares.

Lots, when surveyed, to be indivisible.

10. That any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, grave-stone or other structure placed in the cemeteries or burying grounds aforesaid, or any fence, railway or other wall for the protection or ornament of the said cemeteries or burying grounds, or of any tomb, monument or grave-stone or other structure aforesaid; or shall wilfully destroy, cut, break or injure any tree, shrub or plant or flower within the limits of the said cemeteries or burying grounds; or commit any other kind of trespass or play at any game or sport, or discharge fire-arms (save at a military funeral) in the said cemeteries or burying grounds; or who shall wilfully or unlawfully disturb any persons assembled in the said cemeteries or burying grounds for the purpose of burying any body therein; or who shall commit any nuisance therein, shall, upon conviction thereof before a justice of the said city of Toronto or county of York or other court of competent jurisdiction within the said city or county, be punished by a fine not less than ten shillings nor more than ten pounds currency, according to the nature and aggravation of the offence, and such offender shall also be liable in an action of trespass to be brought against him in any court of competent jurisdiction in the name of such corporation to pay all such damages as shall have been occasioned by his unlawful act or acts; which money, when received, shall be applied by the said corporation to the reparation and restoration of the property destroyed or injured as above; and the members of the said corporation shall be competent witnesses in such suits.

Persons injuring property of corporation to be guilty of misdemeanor, and upon conviction to be fined,

and to be liable to an action of trespass.

11. That it shall be the duty of the said corporation to put up and maintain, in at least three conspicuous places within the limits of the said cemeteries or burying grounds, a printed notice containing the words of the preceding section.

Notice to be given of preceding section.

12. That the said corporation may, by the name aforesaid, from time to time, take or hold by gift, devise or bequest, any lands or tenements, or interests therein, if such gift, devise or bequest be made at least six months before the death of the person making the same; but the said corporation shall at no time take or hold by any gift, devise or bequest, so as that the annual value of any lands or tenements, or interests therein, so to be taken or held by gift, devise or bequest, shall at any one time

Power to hold lands by gift, devise or bequest.

time in the whole exceed the annual value of two thousand dollars ; and no lands or tenements, or interests therein, acquired by gift, devise or bequest, shall be held by the said corporation for a longer period than seven years after the acquisition thereof, and within such period they shall respectively be absolutely disposed of by the said corporation, so that it no longer retain any interest therein ; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages, for the use of the said corporation ; and such lands, tenements or interests therein, or such thereof which may not, within the said period, have been so disposed of, shall revert to the person from whom the same was acquired, his heirs, executors, administrators or assigns.

Burying grounds to be exempt from taxation.

13. That the said cemeteries or burying grounds shall be, and are hereby declared exempt from all public taxes, rates or assessments; and, so long as the same shall remain dedicated to the purposes of cemeteries or burying grounds, no public street, road or avenue shall be laid through the said lands held by the said corporation for the purposes aforesaid, except by special permission of the Legislature.

Appointment of secretary and treasurer.

14. That the said corporation shall appoint a secretary and treasurer to the same, with power to dismiss and re-appoint or appoint another at pleasure; and are hereby authorized to make by-laws and to repeal or alter the same, such by-laws not being inconsistent with any existing law, for the management of its property and for the suitable remuneration of the trustees, secretary, treasurer and other officers and servants of said corporation and the regulation of its affairs.

Power to pass by-laws.

Alienation of lands.

15. That the said corporation shall have power in their discretion to sell or exchange for other lands the lands in the preamble of this Act described as purchased from the corporation of the city of Toronto: Provided that the monies received as purchase-money or the lands taken in exchange therefor be used and appropriated for the purposes of the trust.

Proviso.

CAP. XCVI.

An Act to Incorporate the Glenwood Cemetery Company, of the Town of Picton.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS it hath become necessary to establish a public cemetery for the convenience of the inhabitants of the Town of Picton and the vicinity thereof, and the persons hereinafter

hereinafter named have associated themselves together for the purpose of establishing such cemetery; and have prayed that they and their successors be incorporated and divers powers conferred on them for the purpose aforesaid; and it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. William Thomas Yarwood, Charles Stuart Wilson, Reuben Incorporation.
Jerrold Chapman, Walter Ross, David Barker, David Lockwood Fairfield, Gideon Striker, Robert Werden, Archelus Southard, John Twigg, William Henry Richards Allison, Roderick Roblin, and such others as may in pursuance of this Act become shareholders of the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of "the Glenwood Cemetery Corporate name.
Company, of the Town of Picton."

2. The capital stock of the said company shall be two Capital stock.
thousand five hundred dollars, which shall be divided into shares of twenty-five dollars each, and shall be transferable on the books of the corporation in such manner as the corporation shall by its by-laws direct.

3. It shall be lawful for the said corporation to acquire, Corporation may acquire certain lands for such cemetery.
take and hold a lot or tract of land partly within the township of Hallowell partly in the town of Picton, not exceeding fifty acres, being composed of part of lot number twenty-four in the third concession military tract, and part of lot A in the township of Hallowell; and to sell or otherwise dispose of such land in lots, plots or parcels to be used exclusively as a cemetery or place of burial for the dead; Provided always, that the deed of sale of any lot, plot or parcel of land in the said cemetery or place of burial shall be in the form given in Form of deeds for sale of lots.
schedule A annexed; And provided also, that the real estate of the said corporation and the said lots, plots and parcels, when conveyed by the corporation to individual proprietors, shall be exempt from assessment and taxation; and shall not be Exemption of lands from taxation and execution.
liable to be sold under execution, or be subject to be applied to the payment of debts by any bankrupt, insolvent or other law.

4. All moneys received for or on account of the capital stock Application of moneys received on stock.
in the said company shall be first applied by the said corporation to the payment of the purchase money of the land which may be acquired under this Act; and any residue thereof with at least one-half of the money obtained for sales of lots shall be applied to improving or embellishing such land as a cemetery or burial ground.

5. The said company immediately after the passing of this Election of directors.
Act may appoint two or more of their number to receive sub-
scriptions

scriptions to the said capital stock, and after giving such notice as they deem expedient they shall open one or more books in which the stock shall be subscribed; and when the sum of five hundred dollars or more shall have been subscribed, call a meeting of the subscribers to elect from among the stockholders five directors; and such election shall be made by such stockholders at such time and place as the parties who have been appointed to open the books of stock subscriptions shall direct; each share subscribed, represented in person or by proxy, entitling the stockholder owning it to one vote. The chairman and secretary of such meeting shall certify under their hands the names of the persons elected directors, and shall hand over to them the books, papers, moneys and other effects of the corporation which may be in their hands. The directors then chosen shall fix the time and place of the next meeting, and a new election of five directors shall thenceforth be elected annually, on the same day of the week in the same month as such first election may be made, on the directors in office fixing the day and calling the meeting accordingly.

Powers of directors.

6. The directors or a majority of them, are authorized to receive subscriptions for the remainder of the stock not then subscribed, and to call in the payment for the same by such instalments and at such times as they shall deem fit, giving at least fifteen days notice in some public newspaper published in the Town of Picton, of such times of payment and the amount of the call or instalment required; and shall manage and control all the affairs of the said corporation until the capital stock be extinguished and a board of trustees appointed as hereinafter provided.

Original stockholders may surrender their stock.

7. Whenever the original stockholders in the said corporation shall have been reimbursed, either by sale to them of lots in the said cemetery or otherwise, in the amount of stock originally taken and paid for by them with interest at seven per centum per annum, or earlier, the said stockholders may if they see fit surrender and extinguish their stock in such manner as the board of directors shall prescribe; and all persons who then or thereafter shall be or become proprietors of lots, plots or parcels conveyed to them or their predecessors in title by the said corporation, shall become and be members of the said body corporate.

Persons holding lots to be members of the corporation.

Appointment of trustees.

8. The estate, property and affairs of the said corporation shall, after the said capital stock is extinguished, be managed by five trustees chosen from the proprietors of lots, plots or parcels in the said cemetery grounds; a majority of whom shall constitute a quorum capable of doing business; the persons constituting the board of directors at the time of the extinguishment of the said capital stock shall constitute the first board of trustees and shall remain in office until the election of a new board; the proprietors of lots shall elect from themselves

selves five trustees on the first Monday in April in every year, to hold office until in like manner their successors shall be elected; at least eight days notice shall be given of the time and place when the elections are to be held in some newspaper published in the Town of Picton, and the elections shall be by ballot, each lot containing one hundred superficial square feet shall entitle the proprietor thereof to one vote, and such vote may be given in person or by proxy. The trustees may fill any vacancy from among the proprietors of lots, should any occur during the year of office by death, resignation or removal out of the Province of Ontario. The annual meeting of proprietors shall be held on the first Monday in April in every year, when the trustees going out of office shall make a full report of the management, condition and fiscal concerns of the corporation.

Scale of votes.

Vacancies.

Annual meeting and report.

9. It shall be lawful for the said corporation to appoint such officers and servants of the corporation as they shall think expedient; to make and frame by-laws for the government and control of the said officers and servants; and also to make and frame all other by-laws, rules and regulations for the management of the business of the corporation in all particulars and details, whether herein specially enumerated or not, and the same at any time to repeal, alter, amend or modify; Provided, that no such by-laws shall be inconsistent with the provisions of this Act; and any copy of the said by-laws certified by the clerk or secretary, and under the seal of the said corporation, shall be received as *prima facie* evidence of such by-laws in all courts in this Province.

Corporation may appoint officers and make by-laws, etc.

10. All lots, plots or parcels, when conveyed and designated as lots by the said corporation, shall be indivisible, but may be owned and held in undivided shares; one-half of the proceeds of all sales shall be applied towards the payment of the purchase money of the land acquired by the corporation and the interest accrued or accruing thereon, and the residue shall be applied in improving and embellishing the said land as a cemetery establishment; and after payment of such purchase money and the interest thereon, the proceeds of all future sales shall be applied to the preservation, improvement and embellishment of the said cemetery and incidental expenses thereof, and to no other purpose whatever.

Lots, how to be held and application of the proceeds of sales.

11. That any person who shall wilfully destroy, deface, injure or remove any monument, tomb, grave stone, or other structure, placed in the cemetery aforesaid, or any fence, railing or other work for the protection or ornament of the said cemetery, or of any tomb, monument, grave-stone or other structure aforesaid, or any plot of ground within the said cemetery; or shall wilfully destroy, cut, break or injure any tree, shrub or plant within the said cemetery; or play at any game or sport, or discharge fire-arms (save at a military funeral) in the said cemetery, or shall wilfully disturb any persons assembled

Injuring, etc., the cemetery.

Application of
penalties.

sembled for the purpose of burying any body therein ; or who shall commit any nuisance in the aforesaid cemetery, shall be guilty of a misdemeanor, and may, upon conviction before a justice of the peace or other competent authority, be fined any sum not less than two dollars nor more than fifty dollars ; and in default of payment of such fine and the costs attending such conviction, such person may be committed to gaol for any period not less than six days nor more than three months ; and may also be sued by the corporation for any such trespass, whether committed in a private lot or otherwise, and in any case in which the corporation is a party, any member thereof may be a competent witness. All penalties and judgments recovered, except the costs, when received by the directors, shall be applied under their direction, towards the reparation or reconstruction of the property destroyed or injured, and if there should be any overplus, it shall be applied as other moneys arising from the sale of lots, as hereinbefore provided.

Company to
make regula-
tions regard-
ing burials,
etc.

12. The said corporation shall make regulations for insuring that all burials within the said cemetery are conducted in a decent and solemn manner ; they shall not allow any body to be buried in any vault under any chapel or other building in the said cemetery, or within fifteen feet of the outer wall of any such chapel or other building. Every part of the said cemetery shall be enclosed by walls, or other sufficient fences or railings ; and they shall keep the said cemetery and the buildings and fences thereof in complete repair and in good order and condition, out of the moneys to be received by them by virtue of this Act.

Cemetery to
be kept in
repair.

Sewers and
drains.

13. The said corporation shall make all proper and necessary sewers and drains in and about the said cemetery for draining it and keeping it dry ; and they may from time to time, as occasion requires, cause any such sewer or drain to open into any existing drain or sewer, with the consent in writing of the owners or occupiers of the land through which opening is made.

Gifts, devises,
etc., to com-
pany.

14. The said corporation may, by the name aforesaid, from time to time, take or hold by gift, devise or bequest, any lands or tenements, or interests therein, if such gift, devise or bequest be made at least six months before the death of the person making the same ; but the said corporation shall at no time take or hold by any gift, devise or bequest, so as that the annual value of any lands or tenements, or interests therein, so to be taken or held by gift, devise or bequest, shall at any one time in the whole exceed the annual value of one thousand dollars ; and no lands or tenements, or interests therein, acquired by gift, devise or bequest, shall be held by the said corporation for a longer period than seven years after the acquisition thereof, and within such period they shall respectively be absolutely disposed of by the said corporation, so that it no longer retain
any

any interest therein, and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages, for the use of the said corporation or otherwise applied as provided by section ten of this Act; and such lands, tenements or interests therein, or such thereof which may not, within the said period, have been so disposed of, shall revert to the person from whom the same was acquired, his heirs, executors, administrators or assigns.

15. The said corporation shall have a common corporate seal, and may by resolution or by-law, from time to time, change or alter the same, and all deeds and conveyances made by the said corporation shall be sealed therewith.

16. The directors shall be individually and personally liable for all debts contracted by them on account of the said cemetery, beyond the moneys on hand or available to meet the payment for which the debt was contracted; but they may issue scrip for lots or plots in payment of any contract for work done in the cemetery, pursuant to any agreement in writing to that effect, and the said scrip shall be transferable by assignment.

Liability of
directors.

SCHEDULE "A."

KNOW ALL MEN BY THESE PRESENTS that the Glenwood Cemetery Company, of the Town of Picton, in consideration of the sum of _____ dollars, paid to them by A. B., of the _____, the receipt whereof is hereby acknowledged, do grant unto the said A. B., _____ heirs and assigns, that lot of land in the said cemetery of the said company, called Glenwood and situated on lot number twenty-three, in the third concession of the military tract in the Township of Hallowell in the County of Prince Edward, containing by admeasurement _____ superficial feet (*describe the lot*), to have and to hold the above named premises hereby granted unto the said _____, heirs and assigns, for a burial ground, forever.

In witness whereof the said Glenwood Cemetery Company have caused their corporate seal to be hereunto affixed, the day of _____, in the year of our Lord one thousand eight hundred and _____.

Witness :

[L.S.]

Secretary.

President.

CAP. XCVII.

An Act to incorporate The Newsboys' Lodging and Industrial Home of the City of Toronto.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS an Institution supported by voluntary contributions has subsisted in the city of Toronto for the past year and a half called and known as the Newsboys' Lodging and Industrial Home, the objects and purposes of which are to establish and maintain a Home or Lodging for vagrant boys frequenting the Streets of Toronto, where provision should be made; 1. To secure them food, lodging and washing at a moderate charge and under such regulations as should tend to their reformation; 2. To encourage in them provident habits by taking care of their surplus earnings and advising and aiding them in their expenditures for clothing and other necessary requirements; 3. To provide instruction and innocent occupation for their leisure hours; 4. To provide them with permanent situations, and whereas the management of the said Institution is at present vested in a managing Committee elected annually, and whereas the said managing Committee have by their petition represented that the said Institution would be rendered much more efficient by giving it the character of a corporation, and have prayed that an Act may be passed for that purpose, and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The Honorable George W. Allan, the Honorable Chief Justice Hagarty, the Honorable John McMurrich, Daniel Wilson, L.L.D., C. S. Gzowski, John McDonald, Robert Wilkes, James Lesslie, B. Homer Dixon, K.L.N., G. S. Beardmore, David Buchan, John C. Blaikie, John McCarter, A. T. McCord, F. W. Kingstone, John Hallam, S. H. Blake, J. J. Woodhouse, John K. Macdonald, Sutherland Stayner, George M. Evans, John McBean, S. Trees, R. M. Wells, W. Mortimer Clark, Robert Baldwin, Esquires, and Dr. Buchan, members of the managing Committee, and all other persons who may from time to time be elected to succeed them as members of the managing Committee, shall be and they are hereby constituted a body politic and corporate under the name of "The Newsboys' Lodging and Industrial Home of the City of Toronto."

Corporate name.

Power to hold land.

2. The said Corporation for their actual use and occupation may receive, acquire and hold the land now occupied by the said Institution and may purchase, acquire and hold other lands in the city of Toronto, or elsewhere, so as the annual value of the lands so held by them shall not at any one time exceed five thousand dollars, and the said lands or any part thereof, may alienate

alienate, exchange mortgage, lease or otherwise charge or dispose of as occasion shall require ; and may also acquire any other real estate or interest therein, by gift, devise or bequest if made at least six months before the death of the party making the same, and may hold such estate or interest in the lands lastly mentioned for a period of not more than seven years and shall within that period alienate or dispose of the same, and the proceeds of the estate or interest so disposed of, shall be invested in public securities, county or municipal debentures, or other approved securities for the use of the said Corporation, and such estate or interest therein as may not within the said period have been alienated or disposed of shall revert to the party from whom the same was acquired, his heirs or representatives.

3. The estate real and personal belonging to the said Institution or held in trust for it, at the time of the passing of this Act, shall become the property of the Corporation hereby created, and the officers and the managing Committee of the said Institution shall be and continue to be the officers and managing Committee of the said Corporation until others shall be elected in their stead ; and the by-laws, rules, orders and regulations of the said Institution shall be, and continue to be, the by-laws, rules, orders and regulations of the said Corporation until altered or repealed : And the said managing Committee shall be the governing body of the said Corporation ; and all vacancies which may occur in the interval between the annual meetings in the number elected to the said Committee from death, resignation or otherwise, may be filled up at a special meeting of the subscribers called for the purpose, by a notice given in a similar manner to that required to be given for the annual meeting ; Provided always, that if from any cause such annual or special meeting shall not take place at the time appointed by the notice, such meeting may be called as aforesaid at any subsequent time

Present property, officers, etc., of the institution.

Proviso.

4. The said managing Committee shall keep, or cause to be kept in a book to be opened for that purpose, a list of all subscribers to the said Institution or Corporation ; and a meeting of the said subscribers shall be held annually in the month of April on such day in the said month and at such hour and place as the managing Committee for the time being shall by notice thereof, given at least one week beforehand in some daily newspaper published in the city of Toronto, appoint ; and at each such meeting a report in writing of the affairs and management of the said corporation, and of all moneys received and expended during the previous year, shall be exhibited by the managing Committee for the year then past ; and at such meeting, the persons then present, who shall be respectively subscribers of a sum of not less in amount than two dollars annually, or donors at any one time of money to an amount of not less than twenty dollars, or of lands to an amount of not less in value than one hundred dollars, shall elect from the subscribers

Annual meeting of subscribers.

Annual report.

Managing committee, how appointed.

subscribers or donors of like amounts not fewer than ten persons as a managing Committee of the said Corporation.

Powers of managing committee as to by-laws, etc.

5. The said managing Committee may make such and so many by-laws, orders and regulations (not being contrary to the laws of this Province or to this Act) as they may deem useful or necessary, for the government of the said corporation, and may repeal, revoke, alter and amend any existing by-laws, orders, and regulations.

Power of managing committee to apprentice boys.

6. The said managing Committee may send out to service, and bind or apprentice thereto, or to any healthy trade or business, until the age of twenty-one years, all boys having the protection of the said Corporation to, by, or with such person or persons, and upon such terms as to the said managing Committee may seem fit and proper; and for such purposes, and on behalf of and for such boy and themselves may enter into and make with any person or persons with whom such boy may be placed, articles of apprenticeship or agreement; and such articles or agreement may be enforced as well by action at law or in equity as by summary application to a Justice of the Peace (who is hereby empowered to act therein) under the provisions of chapter seventy-six of the Consolidated Statutes for Upper Canada, intituled "An Act respecting Apprentices and Minors;" Provided however, that no boy shall be apprenticed under the powers herein granted without his consent having been first given thereto.

Proviso.

Powers of managing committee over the boys.

7. The managing Committee may exercise over and with respect to the boys having the protection of the said corporation, such powers as their parents or guardians would have or might exercise.

Application of the funds of the corporation.

8. The funds of the said corporation shall be used for the purposes authorized by this Act, and nothing herein contained shall authorize the said corporation to engage in the business of real estate.

Returns to be made to the Lieut.-Governor.

9. The said corporation shall, at all times when required by the Lieutenant-Governor of the Province, make a full return of all property held by it, with such details and other information as the Lieutenant-Governor may require.

CAP. XCVIII.

An Act to Incorporate the St. George's Society of London.

[Assented to 15th February, 1871.]

WHEREAS the persons hereinafter named have by petition Preamble. represented that for many years past they and others of English and Welsh birth or extraction, residents of London, have maintained by voluntary contributions, a certain Charitable Association, whereof they are members, for the relief of distressed immigrants and others from England or Wales, or of English or Welsh descent, under the name of "The St. George's Society of the County of Middlesex," and have prayed that for the better attainment of the objects of the said Association, the same may be invested with corporate powers under the name of "The St. George's Society of London;" and it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Henry Taylor, William H. Essery, George Phillips, George Pritchard, Edmund Baynes Reed, Francis W. Thomas, Francis Westlake, Thomas Carling, John Pannel, William Dyson, and Edward Coleman, Esquires, and such other persons as are now members of the said Association, or shall hereafter unite with them under the provisions of this Act and the by-laws made under authority thereof, and their successors, shall be and they are hereby constituted, a body politic and corporate by the name of "The St. George's Society of London," and may, by any legal title, acquire, hold and enjoy any estate whatever, real or personal, and may alienate, lease, or otherwise dispose of the same or any part thereof, from time to time, and as occasion may require, and other estate, real or personal, may acquire instead thereof; Provided always, that the clear annual value of the real estate, held by the corporation at any one time shall not exceed five thousand dollars and except as to such real estate as may be held by way of mortgage the said corporation shall not acquire or hold any real estate except for its actual use and occupation.

Society incor-
porated.Corporate
name and pro-
perty.Proviso—
value limited.

2. Provided always, that the Corporation shall not hold any property except such as shall be derived from the following sources, or purchased with funds derived from the following sources, that is to say, the property of the Association hereby constituted as the said Corporation, the life, annual and other subscriptions of members, donations, bequests or legacies made to the Corporation, and the moneys arising from fines and forfeitures lawfully imposed by their by-laws;—And provided also, that all property and funds presently invested of the said existing

What proper-
ty the corpora-
tion may hold.

Proviso.

existing Association, and all sums which may hereafter be received by the Corporation for life subscriptions of members, or from legacies, bequests or donations, amounting to ten dollars or upwards, not specially made for other purposes, shall constitute the permanent fund of the Corporation, no part of the capital amount of which shall be expended or paid away, but the whole shall from time to time be invested in real or immoveable property (not exceeding the value aforesaid,) in bank stock, or provincial, or other securities, and the rents, interest or other income arising from such investments, together with all moneys derived from other sources shall be applied to the defraying of the current expenses of the corporation, and the relief of persons whom the corporation may deem proper objects of such relief, according to their by-laws then in force and to the provisions of this Act.

Application of funds restricted to certain purposes.

Management of the business of the Society.

3. The affairs and business of the Corporation shall be managed by such officers and committees, and under such restrictions as touching the powers and duties of such officers and committees, as by by-law in that behalf the Corporation may from time to time ordain; and the Corporation may assign to any of such officers such remuneration as they may deem requisite.

Corporation may make by-laws.

4. The Corporation may make such by-laws, not contrary to law, as they shall deem expedient for the administration and government of the Corporation, and of such Asylum or other charitable Institutions as they shall maintain; and may repeal or amend the same from time to time, observing always however, such formalities as by such by-laws may be prescribed to that end; and generally shall have all the corporate powers necessary to the ends of this Act.

How they may be altered.

Present by-laws continue until altered.

5. The by-laws of the said Association, not being contrary to law, shall be the by-laws of the Corporation hereby constituted until they shall be repealed or altered as aforesaid.

First officers of the Corporation.

6. Until others shall be elected according to the by-laws of the Corporation, the present officers of the Association shall be those of the Corporation.

Recovery of money due to the Corporation.

7. All subscriptions and all penalties due to the Corporation under any by-law may be recovered by suit in the name of the Corporation; but any member may withdraw therefrom at any time upon payment of all amounts due by him to the Corporation inclusive of his subscription for the year then current.

Returns of property to be made when required.

8. The Corporation shall at all times when required so to do by the Lieutenant-Governor or the Legislature, make a full return of all their property, real and personal, and of their receipts and expenditure for such period, and with such details and other information as the Lieutenant-Governor or the Legislature may require.

CAP.

CAP. XCIX.

An Act to confirm the Deed for the Distribution and Settlement of the Estate of the Honorable George Jervis Goodhue, deceased.

[Assented to 15th February, 1871.]

WHEREAS Louisa Goodhue, of the city of London, in the Province of Ontario, widow, Louisa M. Watson, wife of Walter Watson, of the city of New York, in the United States of America, banker, the said Walter Watson, Charles Frederick Goodhue of the said city of London, barrister-at-law, Maria Goodhue his wife, Frances Cecilia Hammond, wife of Charles Stodart Hammond, of the said city of London, esquire, the said Charles Stodart Hammond, Harriet Amelia Thomas, wife of Francis Wolferstan Thomas, of the city of Montreal in the Province of Quebec, banker, Maria Eliza Tovey, wife of Hamilton Tovey, of Stoke, near Devonport in England, a Lieutenant in Her Majesty's Royal Engineers, the said Hamilton Tovey, Mary Gomm Cronyn, wife of Benjamin Cronyn, of the said city of London, Barrister-at-law, and the said Benjamin Cronyn, have presented their petition stating (amongst other things)—

“That the Honorable George Jervis Goodhue, in his lifetime of the said city of London, esquire, departed this life on the eleventh day of January, one thousand eight hundred and seventy, at the said city of London, leaving him surviving the said Louisa Goodhue his widow, and the following children, that is to say; the said Louisa M. Watson, wife of the said Walter Watson, the said Charles Frederick Goodhue, the said Frances Cecilia Hammond, wife of the said Charles Stodart Hammond, the said Harriet Amelia Thomas, wife of the said Francis Wolferstan Thomas, the said Maria Eliza Tovey, wife of the said Hamilton Tovey, and the said Mary Gomm Cronyn, wife of the said Benjamin Cronyn. That the said Honorable George Jervis Goodhue duly made and published his last will and testament in writing, bearing date the eighth day of December, one thousand eight hundred and sixty nine, and duly executed so as to pass real estate by devise according to the laws of the said province of Ontario, and thereby specifically bequeathed unto Henry C. R. Becher and Verschoyle Cronyn, therein named, all his household furniture of every description, books, plate, pictures, bedding, linen, carriages, horses and cattle, upon trust to permit the said Louisa Goodhue his widow and her assigns during her life to have the uncontrolled use, enjoyment and disposal thereof, and to convey the same or any part thereof from time to time absolutely or otherwise to such person in such manner as the

Preamble.

Recital of
Petition,
setting forth
the last Will
of Hon. G. J.
Goodhue.

“ the said Louisa Goodhue should by writing or by will appoint,
“ and after her decease as to so much thereof as the said
“ Louisa Goodhue had made no such disposal or appointment,
“ the said trustees should hold the same upon the same trusts
“ as were thereafter declared concerning the residuary estate
“ of the said testator. And the said testator thereby also
“ specifically bequeathed to be paid out of pure personal estate
“ the sum of two thousand five hundred dollars to the Church
“ Society of the Diocese of Huron and to Huron College
“ respectively. And the said testator further devised to the
“ said Louisa Goodhue the mansion and premises in the said
“ city of London in which he then resided, and being lots
“ seventeen and eighteen on the south side of Bathurst
“ Street, and lot Number Eighteen on the north side of Horton
“ Street in the said city of London, and also the pasture lot in
“ Westminster containing five acres more or less, purchased
“ from one Dennis O'Brien, to hold to her for her life,
“ without impeachment of waste, and free and clear from
“ taxes and insurance, to be paid out of the testator's residuary
“ estate. And the testator devised to his sister-in-law Catherine
“ Goodhue, the widow of his brother Josiah Goodhue, during
“ her life the house and lots on which she then resided in
“ Rockford in the state of Illinois. And subject to the fore-
“ going special bequests and devises, the said testator devised
“ and bequeathed the whole of his real and personal estate
“ unto and to the use of the said Henry C. R. Becher and
“ Verschoyle Cronyn, their heirs, executors, administrators and
“ assigns, in trust for conversion and collection, and for the
“ investment of the proceeds thereof. And the said testator
“ directed the following payments to be made thereout, that is
“ to say—

“ (a.) His funeral and testamentary expenses.

“ (b.) His debts.

“ (c.) The two hereinbefore mentioned legacies of two thousand
“ five hundred dollars each to the said Church Society of the
“ Diocese of Huron and Huron College respectively.

“ (d.) The sum of ten thousand dollars to be specially appro-
“ priated and invested, and the annual income thereof to be paid
“ Elizabeth, widow of George Goodhue, son of the testator,
“ during her widowhood.

“ (e.) A yearly annuity of six thousand dollars to be paid by
“ even quarterly payments to the said Louisa Goodhue, widow
“ of the said testator, during her life.

“ (f.) A yearly annuity of four hundred dollars to be paid
“ by even quarterly payments to his sister-in-law, the said
“ Catherine Goodhue, during her life.

“ (g.) The taxes and insurance premiums payable upon or in
“ respect of the family mansion and premises specifically de-
“ vised as aforesaid to the said Louisa Goodhue; and the said
“ testator directed any surplus of the annual income and pro-
“ ceeds of his said estate to be accumulated during the lifetime
“ of his said widow the said Louisa Goodhue, and upon her
death


" death the testator directed that the said trustees should hold
 " all the said trust premises rest and residue of his estate then
 " undisposed of, and not otherwise disposed of by his said will,
 " in trust to make good any loss that might theretofore have
 " arisen and been ascertained in the investment or control of
 " the several sums of money which he had paid over to the said
 " Henry C. R. Becher and Verschoyle Cronyn, in trust for
 " the testator's children respectively, and which sums and the
 " trusts thereof respectively were more particularly described
 " in certain indentures of settlement six in number, bearing
 " date the eighth day of December, one thousand eight hundred
 " and sixty-nine, and respectively executed by the testator and
 " the said Henry C. R. Becher and Verschoyle Cronyn, and
 " thereafter, in trust for all the testator's children who should
 " be living at the decease of his said wife in equal shares, and
 " the child or children of such of them as might then be dead,
 " in equal shares, such grandchild or grandchildren to be en-
 " titled to the share his, her, or their father or mother would
 " have been entitled to if living, the shares going to the
 " testator's daughters to be for their separate use respectively
 " free from the control of their then present or aftertaken
 " husband; provided that in case the said sister-in-law of the
 " testator should survive his said wife that the said trustees on
 " the decease of his said wife should retain the sum of six
 " thousand five hundred dollars, or securities to that amount,
 " part of the said trust estate, and pay the interest, dividends,
 " or other annual proceeds thereof to his said sister-in-law
 " during her life in lieu of her said annuity, and the said sum
 " of six thousand five hundred dollars on and after her death,
 " and the sum of ten thousand dollars appropriated as aforesaid
 " for the benefit of his said daughter-in-law on or after her
 " death or marriage, which ever should first happen, and all
 " other reversionary interests, together with the said accumula-
 " tions, should be held and be payable by the said trustees to
 " and for the testator's said children or grandchild or grand-
 " children who were entitled under the trusts in their favour on
 " the death of the widow of the said testator, and amongst other
 " clauses, provisoes, and declarations contained in the said will,
 " the testator directed that his said residuary real estate should,
 " for the purposes of transmission and the keeping of accounts,
 " be impressed with the quality of personalty from the time of
 " the decease of the said testator.

" That the said Testator died seized and possessed of a large
 " amount of real and personal estate. That all of the testator's
 " said children have attained the full age of twenty-one years.
 " That the funeral and testamentary expenses and all the debts
 " of said testator have been fully paid and satisfied and the said
 " sum of ten thousand dollars, has been appropriated and set
 " apart and is now held by the said Trustees of the said Will in
 " trust for investment and payment of the annual proceeds there-
 " of to the said Elizabeth Goodhue, daughter-in-law of the said
 " Testator, as directed by the said will. That after paying the

Recital of
 Petition as to
 facts since
 making the
 Will.

said

Recital of
partition deed
of 26th Sep-
tember, 1870.

Deed of 26th
September,
1870, con-
firmed. 
Trustees
under the Will
to carry the
provisions of
the deed into
effect.

Provisions as
to certain
life interests,
annuities and
charges under
the Will.

"said two legacies of two thousand five hundred dollars each, to the Church Society of the Diocese of Huron and Huron College respectively, and after making due provision for the security and payment of the said hereinbefore mentioned yearly annuities of six thousand dollars, and four hundred dollars, respectively to the widow and sister-in-law of the said testator, and for the taxes and premiums of insurance on the family mansion and premises specifically devised as hereinbefore mentioned to the said widow during her life, and for making good any loss that may arise and be ascertained at the decease of the said widow in the investment or control in the several sums of money which the said testator had paid over to the said Henry C. R. Becher and Verschoyle Cronyn, as mentioned in said will, the residuary estate of the said testator is of large value, amounting to more than three hundred thousand dollars; and the respective shares of the testator's said children are considerable, and it is desirable that they should respectively enter into the possession and enjoyment of the same, and that this should not be postponed until the decease of the said widow of the testator. That in order to secure to each of the children of the said testator, the immediate possession and enjoyment of their respective shares in the said residuary estate, exclusive of their said reversionary interests in the lands specifically devised, to the said widow and sister-in-law of the said testator for their respective lives, and of the sums to be retained by the Trustees for the purposes herein-after mentioned, your petitioners entered into, and respectively executed a certain Indenture, bearing date the twenty-sixth day of September, A. D., 1870," a true copy of which is set forth in the schedule of this Act, marked, "A,"

And therefore, prayed that an Act might be passed in order to confirm the said Indenture, and the several provisions thereof, and to effectuate the same:—

And whereas it is expedient to grant the prayer of the said petitioners: Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Indenture of the twenty-sixth day of September, A.D., 1870, in the schedule to this Act set forth, and marked "A," is hereby confirmed and declared to be valid, and the said Trustees of the estate of the said Honourable George Jarvis Goodhue, deceased, are hereby authorized and required to carry into effect the several provisions thereof, and in so doing are hereby saved harmless and indemnified in the premises.

2. In case any loss or deficiency shall arise or accrue with respect to the trust premises mentioned in the said Indenture, which are set apart to provide for the payment of the therein mentioned life interests, annuities and charges so that the annual income or other proceeds of the said trust premises become insufficient to pay the same in full, the said Trustees, or the Trustees for the time being, of the said estate of the said Honourable

George

George Jervis Goodhue, deceased, are authorized to make good any such deficiency, from time to time as and when the same shall respectively occur, out of the principal of the said trust premises respectively, and such principal moneys shall respectively stand charged in the hands of the said trustees for the payment of any such deficiency until the respective periods for the allotment and distribution thereof shall arise under the terms and provisions of the said Indenture.

3. Any of the said parties to the said Indenture, or their respective representatives, or the said trustees, or either of them, or the survivor of them, or their successors, under the trusts of the said will of the said Honorable George Jervis Goodhue, may from time to time apply in a summary manner, to the Court of Chancery, or a judge thereof in Chambers, upon notice to such other of the said parties, or to the said trustees, as the case may be, as the said court or judge may direct, in respect of any matter or thing for carrying into effect the provisions of the said indenture connected with the management of the trusts of the said will, or in the disposition of the proceeds of the said trust estate, or of any part thereof, or in respect of any matter or things connected therewith, or in regard to which the said court or judge would have jurisdiction in case a bill or other proceeding were instituted in said court, and obtain the order and direction of the said court or judge thereupon, and such order may, amongst other things, require the said trustees to submit statements and accounts of the said trust estate, and the management thereof, and may generally be to the purport or effect which in the discretion of the said court or judge shall seem meet, and should it become necessary, the said court or judge shall appoint one or more referees for making the allotment and distribution provided for by the said Indenture.

Application may be made summarily to Chancery for direction as to trusts of the Will, or proceeds, and accounts, etc.

SCHEDULE "A."

THIS INDENTURE made this twenty-sixth day of September, in the year of our Lord one thousand eight hundred and seventy, Between Louisa Goodhue, of the city of London in the province of Ontario, widow, of the first part, Louisa M. Watson, wife of Walter Watson, of the city of New York in the United States of America, banker, and the said Walter Watson, of the second part, Charles Frederick Goodhue, of the city of London in the province of Ontario, barrister-at-law, and Maria Goodhue his wife, of the third part, Frances Cecilia Hammond, wife of Charles Stodart Hammond, of the said city of London, esquire, and the said Charles Stodart Hammond, of the fourth part, Harriet Amelia Thomas, wife of Francis Wolferstan Thomas, of the city of Montreal in the province of Quebec, banker, and the said Francis Wolferstan Thomas, of the fifth part, Maria Eliza Tovey, wife of Hamilton Tovey, of Stoke

Stoke, near Devonport in England, a Lieutenant in Her Majesty's Royal Engineers, and the said Hamilton Tovey, of the sixth part, and Mary Gomm Cronyn, wife of Benjamin Cronyn, of the said city of London, barrister-at-law, and the said Benjamin Cronyn, of the seventh part.

Whereas the Honourable George Jervis Goodhue, in his lifetime of the said city of London, esquire, departed this life on the eleventh day of January, one thousand eight hundred and seventy, at the said city of London, leaving him surviving the said Louisa Goodhue his widow, and the following children, that is to say, the said Louisa M. Watson, wife of the said Walter Watson, the said Charles Frederick Goodhue, the said Frances Cecilia Hammond, wife of the said Charles Stodart Hammond, the said Harriet Amelia Thomas, wife of the said Francis Wolferstan Thomas, the said Maria Eliza Tovey, wife of the said Hamilton Tovey, and the said Mary Gomm Cronyn, wife of the said Benjamin Cronyn.

And whereas the said Honourable George Jervis Goodhue duly made and published his last will and testament in writing bearing date the eighth day of December, one thousand eight hundred and sixty nine, and duly executed so as to pass real estate by devise according to the laws of the said province of Ontario, and thereby specifically bequeathed unto Henry C. R. Becher and Verschoyle Cronyn therein named all his household furniture of every description, books, plate, pictures, bedding and linen, carriages, horses and cattle, upon trust to permit the said Louisa Goodhue his widow and her assigns during her life to have the uncontrolled use, enjoyment, and disposal thereof, and to convey the same or any part thereof from time to time absolutely or otherwise to such person in such manner as the said Louisa Goodhue should by writing or by will appoint, and after her decease as to so much thereof as the said Louisa Goodhue had made no act, disposal or appointment, the said trustees should hold the same upon the same trusts as were thereafter declared concerning the residuary estate of the said testator. And the said testator thereby also specifically bequeathed to be paid out of pure personal estate the sum of two thousand five hundred dollars to the Church Society of the diocese of Huron and to Huron College respectively; and the said testator further devised to the said Louisa Goodhue the mansion and premises in the said city of London in which he then resided, and being lots seventeen and eighteen on the south side of Bathurst Street, and lot number eighteen on the north side of Horton Street in the said city of London, and also the pasture lot in Westminster, containing five acres more or less, purchased from one Dennis O'Brien, to hold to her for her life without impeachment of waste, and free and clear from taxes and insurance to be paid out of the testator's residuary estate. And the testator devised to his sister-in-law Catharine Goodhue, the widow of his brother Josiah Goodhue, during her life the house and lots in which she then resided in Rockford in the state of Illinois;

and

and subject to the foregoing special bequests and devises, the said testator devised and bequeathed the whole of his real and personal estate unto and to the use of the said Henry C. R. Becher and Verschoyle Cronyn, their heirs, executors, administrators and assigns, in trust for conversion and collection and for investment of the proceeds thereof, and the said testator selected the following payments to be made thereout, that is to say;

- (a.) His funeral and testamentary expenses.
- (b.) His debts.
- (c.) The two hereinbefore mentioned legacies of two thousand five hundred dollars each to the said Church Society of the diocese of Huron and Huron College respectively.
- (d.) The sum of ten thousand dollars to be specially appropriated and invested, and the annual income thereof to be paid Elizabeth, widow of George Goodhue son of the testator, during her widowhood.
- (e.) A yearly annuity of six thousand dollars, to be paid by even quarterly payments, to the said Louisa Goodhue, widow of the said Testator, during her life.
- (f.) A yearly annuity of four hundred dollars, to be paid by even quarterly payments to his sister-in-law, the said Catherine Goodhue, during her life.
- (g.) The taxes and insurance premiums payable upon or in respect of the family mansion and premises specially demised as aforesaid to the said Louisa Goodhue.

And the said Testator directed any surplus of the annual income and proceeds of his said Estate to be accumulated during the lifetime of his said widow, the said Louisa Goodhue; and upon her death, the Testator directed that the said Trustees should hold all the said trust premises, rest and residue of his estate then undisposed of, and not otherwise disposed of by his said will, in trust to make good any loss that might theretofore have arisen and been ascertained in the investment or control of the several sums of money which he had paid over to the said Henry C. R. Becher, and Verschoyle Cronyn, in trust for the testator's children, respectively, and which sums and the trusts thereof, respectively, were more particularly described in certain indentures of settlement, six in number, bearing date the eighth day of December, one thousand eight hundred and sixty-nine, and respectively executed by the testator and the said Henry C. R. Becher and Verschoyle Cronyn; and thereafter in trust for all the testator's children, who should be living at the decease of his said wife, in equal shares, and the child or children of such of them as might then be dead, in equal shares; such grand-child or grand-children to be entitled to the share his, her or their father or mother would have been entitled to, if living; the shares going to the testator's daughters to be for their separate use, respectively, free from the control of their then present or after taken husband. Provided that in case the said sister-in-law of the testator should survive his said wife, that the said trustees, on the decease of his said wife, should retain

retain the sum of six thousand five hundred dollars, or securities to that amount, part of the said trust estate, and pay the interest, dividends or other annual proceeds thereof, to his said sister-in-law, during her life, in lieu of her said annuity; and the said sum of six thousand five hundred dollars on and after her death; and the sum of ten thousand dollars appropriated, as aforesaid, for the benefit of his said daughter-in-law, on and after her death or marriage, whichever should first happen; and all other reversionary interests, together with the said accumulations, should be held and be payable by the said trustees, to and for the testator's said children or grand-child or grand-children, who are entitled under the trusts in their favour, on the death of the widow of the said testator. And amongst other clauses provisoes and declarations contained in the said will, the testator directed that his said residuary real estate should, for the purposes of transmission and the keeping of accounts, be impressed with the quality of personalty from the time of the decease of the said testator. And whereas the said testator died, seized and possessed of a large amount of real and personal estate. And whereas, all of the said testator's said children have obtained the full age of twenty-one years. And whereas, the funeral and testamentary expenses, and all the debts of the said testator have been fully paid and satisfied, and the said sum of ten thousand dollars has been appropriated and set apart, and is now held by the said trustees of the said will, in trust for investment and payment of the annual proceeds thereof to the said Elizabeth Goodhue, daughter-in-law of the testator, as directed by the said will.

And whereas after paying the said two legacies of two thousand five hundred dollars each, to the Church Society of the Diocese of Huron, and Huron College, respectively, and after making due provision for the security and payment of the said hereinbefore mentioned yearly annuities of six thousand dollars and four hundred dollars, respectively, to the widow and sister-in-law of the said testator, and for the taxes and premiums of insurance on the family mansion and premises, specifically devised as hereinbefore mentioned, to the said widow during her life, and for making good any loss that may arise and be ascertained at the decease of the said widow, in the investment or control in the several sums of money which the said testator had paid over to the said Henry C. R. Becher and Verschoyle Cronyn, as mentioned in said will, the residuary estate is of large value, amounting to more than three hundred thousand dollars, and the respective shares of the testator's said children therein are considerable, and it is desirable that they should, respectively enter into the possession and enjoyment of the same, and that this should not be postponed until the decease of the said widow of the testator.

And whereas the several parties hereto have, respectively, assented and agreed to enter into and execute these presents, in order to secure to each of the children of the said testator the immediate possession and enjoyment of their
respective

respective shares in the said residuary estate, exclusive of their said reversionary interests in the lands specifically devised to the said widow and sister-in-law of the said testator for their respective lives, and of the sums to be retained by the trustees for the purposes hereinafter mentioned.

Now these presents therefore witness, and it is hereby respectively covenanted and agreed upon by and between the said respective parties to these presents and their respective heirs, executors, and administrators as follows :—

First.—A sufficient sum, not exceeding one hundred thousand dollars, in the securities of the said Trust Estate held by the said trustees shall be set apart, appropriated, and held by the said trustees for the payment out of the annual proceeds thereof of the said annuity of six thousand dollars to the said widow of the said testator.

Second.—The sum of seven thousand dollars in the said securities of the said Trust Estate shall be set apart, appropriated, and held by the said trustees for the payment out of the annual proceeds thereof of the said annuity of four hundred dollars or other annuity to the said sister-in-law of the said testator.

Third.—The sum of twenty thousand dollars in the said securities be retained by the said trustees, in order out of the annual proceeds thereof to pay and discharge the said taxes and premiums of Insurance payable in respect of the mansion house and premises of the testator, so as aforesaid specifically devised to the widow of the said testator, and also to pay and discharge such outgoings and expenses and charges of management as may from time to time be incurred or arise.

Fourth.—The sum of ten thousand dollars in the said securities be retained by the said trustees, and the annual proceeds thereof from time to time accumulated by re-investment until the decease of the widow of the said testator, in order to make good out of the said sum and the said accumulations, any loss that may theretofore arise and be ascertained at the time last mentioned in the investment and control in the said several sums of money hereinbefore in the said will mentioned to have been paid over by the said testator to the said Henry C. R. Becher and Verschoyle Cronyn in the trusts mentioned in the said will.

Fifth.—The residue of the said Trust Estate other than is hereinbefore excepted shall be divided into six separate shares or allotments of equal value or as nearly so as circumstances will permit, and such division into the said allotments shall be made as soon as conveniently may be by the said trustees, and in making such allotments the said trustees shall distribute the said Trust Estate in specie, as the same may then happen to be, and without converting or collecting or assuming to convert or collect the same or any part of the said trust premises, and without making an equal partition of any part of the said Trust Estate, which consists of realty, but treating and considering the whole of the said residuary estate to be allotted as converted into

w
personalty

personality and of the money value ascribed by the said trustees to each part and parcel thereof, and that in case the said trustees shall neglect or refuse to make such allotment or distribution, or in case they should differ about the same, or in case of the death or removal from this Province or resignation of either of them the said trustees, in any of such cases, any of the said parties to these presents (other than the party of the first part) or their representative and representatives may apply to the Court of Chancery or a Judge thereof in a summary manner to appoint one or more referee or referees, by whom such allotment may be validly made. And that in case of any difference as to which of the said several allotments shall be taken by any of the said children for his or her share respectively the same shall be determined by lot or drawings by the said trustees or referee or referees (as the case may be) in the presence of at least three of the said children.

Sixth.—When the said several allotments shall have been determined and the respective shares distributed or assigned to each of the said children, then the said respective shares shall be duly conveyed and transferred according to the respective natures of the several parts of such share unto and to the use of each of the said children their respective heirs, executors, administrators and assigns absolutely in severalty, but, provided always, that the share allotted to each of the said children being daughters respectively shall be for their respective separate use, free from the control of any present or future taken husband, as directed by the said will.

Seventh.—As and when any of the said hereinbefore excepted trust premises ceases to be subject to the hereinbefore mentioned life interests and annuities and charges respectively, such part of the said trust premises shall then from time to time and as the occasion arises be allotted into six several shares and distributed to each of the said children or their representatives in the mode and by the means referred to in the last preceding paragraph, and the said respective shares shall be respectively conveyed and transferred by the said trustees as in the said last preceding paragraph directed with respect to the shares therein mentioned.

Eighth.—Inasmuch as it is doubtful whether the hereinbefore agreed upon arrangements for the settlement and distribution by the said widow and children of the said estate of the testator can be legally assented to or carried into effect by the said trustees by reason of the coverture of several of the said parties hereto, and also from the insufficiency of the powers of the said trustees under the said will, It is hereby further agreed that an application shall be made to the Legislature of the Province of Ontario as soon hereafter as may be, for an Act to confirm these presents, and for such power as may be incidental thereto or necessary in the premises, or for such act in the premises of such a nature and containing such clauses, provisions and conditions as to the Legislature may seem meet.

Provided always, these presents shall be of none effect, unless
and

and until such Act as is contemplated by the last preceding clause is obtained.

In Witness whereof the said parties hereto have hereunto set their hands and seals.

Signed, sealed and delivered by Louisa

Goodhue, Charles F. Goodhue, Maria	LOUISA GOODHUE, [L.S.]
K. Goodhue, Frances C. Hammond,	LOUISA M. WATSON, [L.S.]
Francis Wolferstan Thomas, Mary G.	WALTER WATSON, [L.S.]
Cronyn and Benjamin Cronyn, in	CHAS. F. GOODHUE, [L.S.]
presence of W. R. MEREDITH, of	
London, Attorney-at-Law.	

Signed, sealed and delivered by Louisa

M. Watson and Walter Watson, in	MARIA K. GOODHUE, [L.S.]
presence of JOHN S. ROBERTSON,	FANNIE C. HAMMOND, [L.S.]
New York.	C. S. HAMMOND, [L.S.]

Signed, sealed and delivered by

Maria Eliza Tovey, and Ham-	HARRIET AMELIA THOMAS, [L.S.]
ilton Tovey, in presence of E.	F. WOLFERSTAN THOMAS, [L.S.]
M. RUSSEL RENDLE, Surgeon,	MARIA E. TOVEY, [L.S.]
Plymouth, Devon.	HAMILTON TOVEY, [L.S.]

Signed, sealed and delivered by Harriet Amelia Thomas, in the presence of J. VINE, Accountant, Exmouth.

MARY G. CRONYN, [L.S.]
BENJ. CRONYN, [L.S.]

(Signed), { W. R. Meredith as to Signature of
C. S. Hammond.

COUNTY OF MIDDLESEX, } I, William Ralph Meredith, of the
To Wit: } City of London, in the County of Middlesex, Barrister-at-Law, make oath and say:

1. That I was personally present and did see the within instrument duly signed, sealed and executed by Charles Stodart Hammond, party thereto.

2. That the said instrument was executed at the City of London, in the County of Middlesex, by the said Charles Stodart Hammond.

3. That I know the said party.

4. That I am a subscribing witness to the said instrument.

Sworn before me at the City of London, in the County of Middlesex, this seventh day of November, in the year of our Lord 1870.

(Signed),
W. R. MEREDITH.

(Signed), THOMAS SCATCHERD.

COUNTY OF MIDDLESEX, } I, William Ralph Meredith, of the
To WIT : } City of London, in the County of Middlesex, Barrister-at-Law, make oath, and say :

1. That I was personally present and did see the within instrument duly signed, sealed and executed by Louisa Goodhue, Charles F. Goodhue, Maria Goodhue, Frances C. Hammond, Francis Wolferstan Thomas, Mary Gomm Cronyn and Benjamin Cronyn, parties thereto.

2. That the said instrument was executed at the City of London, in the County of Middlesex.

3. That I know the said parties.

4. That I am a subscribing witness to the said instrument.

Sworn before me at the City of London, in
the County of Middlesex, this twenty-
sixth day of September, in the year of
our Lord, 1870. (Signed), W. R. MEREDITH.

(Signed), THOMAS SCATCHERD,
Commissioner for taking Affidavits in B. R., &c.

UNITED STATES.

State of New York, } I, John Campbell Robertson, of the
City and County of N. Y. } City of New York, clerk in the
To WIT : } Banking office of Morton Bliss &
Company, make oath and say :

1. That I was personally present and did see the within instrument duly signed, sealed and executed by Louisa M. Watson and Walter Watson, parties thereto.

2. That the said instrument was executed at New Brighton, Staten Island, in the County of Richmond, State of New York.

3. That I know the said parties.

4. That I am a subscribing witness to the said instrument.

Sworn before me at the City of New
York, in the County of New York, }
this fourth day of October, in the } JOHN C. ROBERTSON.
year of our Lord, 1870.

All of which I certify under my Official Seal.

(Signed), JOHN J. THOMASSON,
Notary Public in and for the City and County of
New York.

ENGLAND.

COUNTY OF DEVON, } I, Edmund Marshman Russel Rendle, of
To WIT : } Plymouth, in the County of Devon,
Surgeon, make oath and say :

1. That I was personally present and did see the within instrument

instrument duly signed, sealed, and executed, by Maria Eliza Tovey, and Hamilton Tovey, parties thereto.

2. That the said instrument was executed at Stoke, near Plymouth, in the County of Devon.

3. That I know the said parties.

4. That I am a subscribing witness to the said instrument.

Sworn before me at Plymouth, in the
County of Devon, this twentieth
day of October, in the year of
our Lord, 1870. } E. M. RUSSEL RENDLE.

All of which I certify under my Notarial Seal,

(Signed), JOHN KELLY,
Notary Public.

COUNTY OF DEVON, } I, Joseph Vine, of Exmouth, in the Coun-
To WIT: } ty of Devon, accountant, make oath and
say :

1. That I was personally present and did see the within Instrument duly signed, sealed, and executed by Harriet Amelia Thomas, party thereto.

2. That the said Instrument was executed at Exmouth, in the County of Devon.

3. That I know the said party.

4. That I am a subscribing witness to the said Indenture.

Sworn before me at Exmouth, in the County of
Devon, this twenty-first day of October, in the
year of our Lord one thousand eight hundred
and seventy. } J. VINE.

All of which I certify under my notarial seal.

(Signed), HENRY CRANSTON ADAMS,
Notary Public, Exmouth.

CAP. C.

An Act to empower the Trustees under the will of the late Joseph Bitterman Spragge, to sell certain lands in the Township of Blenheim and County of Oxford.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS Eliza Frances Lett, wife of the Reverend Stephen Lett, of the town of Collingwood, and the said the Reverend Stephen Lett, have, by their petition, prayed for the passing of an Act to empower the Honourable John Godfrey Spragge, the Reverend T. P. Hodge, and Charles Gamon, trustees under the will of the late Joseph Bitterman Spragge, of the said township of Blenheim, or the trustees or trustee for the time being of the said will, to sell the lands of the said testator, situate in the said township of Blenheim, and whereas it is desirable to grant the prayer of such petition: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Trustees to have power to sell certain lands in Blenheim.

1. The said trustees or trustee for the time being, shall have full power and authority to sell and absolutely dispose of all and every or any part of the lands situate in the said township of Blenheim belonging to the estate of the said testator Joseph Bitterman Spragge, with the appurtenances, as they in their discretion shall see fit, to any person or persons whomsoever, either together or in parcels, and either by public auction or by private contract, and for such price or prices in money, payable and to be secured by instalments, mortgages or otherwise, as to the trustees or trustee for the time being, shall seem reasonable; the consent, in writing, of the said Eliza Frances Lett to such sale being first obtained; and any deed executed by such trustees as aforesaid, shall vest in the purchaser a full, clear and absolute title to the said lands, subject only to any leases thereof or rights therein, now existing or granted by competent authority prior to such sale, and also to any mortgage that may be executed thereof, to secure all or any of the purchase money thereof.

Investment of the proceeds of sales.

2. The proceeds of such sales, after payment of the expenses of obtaining this Act, and all proper and reasonable costs, charges and expenses of effecting and carrying out said sales, as the same may be from time to time paid, or as the same may come in from any investment, shall be invested by the said trustees or trustee for the time being, in Government Stock or securities of the Dominion of Canada, or upon the security of freehold real estate, of ample value, in the Province of Ontario, the consent, in writing, of the said Eliza Frances Lett being first obtained thereto, and the said trustees shall hold and apply the principal and interest represented by, or derivable from, such sales

sales and investments upon the same trusts and for the same ends, intents and purposes expressed in the will of the said testator with respect to the said Blenheim lands, and subject to the same rules and incidents with respect to the devolution thereof, and otherwise, as if the Blenheim lands still remained realty.

3. The trust and power of sale authorized by this Act are to be exercised within ten years from the passing thereof.

Trusts to be exercised within ten years.

CAP. CI.

An Act for the relief of the Estate of the late John Flanagan, of the Township of Charlottenburgh, in the County of Glengarry.

[Assented to 15th February, 1871.]

WHEREAS it has been represented to the Legislature of Ontario that John Flanagan, late of the Township of Charlottenburgh, in the County of Glengarry, farmer, died on or about the fifteenth day of August in the year of our Lord one thousand eight hundred and sixty-two, having first duly made his will, and a codicil thereto, bearing date the tenth and twenty-ninth days of June in the year of our Lord one thousand eight hundred and sixty-two, respectively, whereby he gave and devised his homestead, in the said will and codicil particularly described, being composed of certain lots in the broken front and first concessions of the said Township or parts thereof containing about three hundred acres, and more particularly described in the schedule hereto, to his sons Robert Flanagan and John Flanagan in certain shares or proportions subject to certain trusts for the maintenance and support of the testator's widow and the maintenance, support, education and advancement in life of the other children of the testator, of whom there were five and who were then under age: That the said John Flanagan appointed his widow Elizabeth Ann Flanagan Executrix and Darby Bergen and Walter Colquhoun Executors of his Estate, and directed them to pay his debts, but the said will contains no power, express or implied, enabling the devisees or the executors or any of them to sell or mortgage the estate or any part thereof free from the trusts of the said will, with the exception of an obscure and doubtful power to mortgage that part devised to John Flanagan to the extent of four hundred and twenty-five pounds for the payment of debts: That the said executrix and executors duly proved the said will and codicil after the death of the said John Flanagan, and it was then discovered that the debts very largely exceeded the value of the testator's personal Estate and fell not far short of the value of his

Preamble.

his whole estate both real and personal: That after the death of the Testator his son Robert Flanagan, in accordance with the directions contained in the testator's will, carried on the farming business upon the homestead for the benefit of his mother, himself and his brothers and sisters, with the exception of his brother John, who soon afterwards left this Province and went abroad, and who lately, for a nominal consideration, released to the said Robert Flanagan all his interest in the Testator's homestead: That the said Robert Flanagan, out of the produce of the said farm, has hitherto complied with the directions of the testator's will in respect of the maintenance and support of his mother the said Elizabeth Ann Flanagan and of the maintenance, support, education and advancement of his younger brothers and sisters, with the exception of John, and has besides paid large sums in satisfaction of the debts of the testator and in keeping down the interest thereon: That the said Robert Flanagan also in the year one thousand eight hundred and sixty-four, under the power in that behalf contained in the codicil of the testator's will, mortgaged the part of the farm devised to John for sixteen hundred dollars for the purposes of the estate, but has been unable to repay the money although it is long overdue: That besides the said sum of sixteen hundred dollars there is still due and unpaid of debts of the testator the sum of two thousand five hundred dollars or thereabouts and several of the creditors are pressing their claims by means of judgment and execution against the said homestead, and that unless relief is granted by the Legislature the lands of the Testator will be sold and the provision made by the Testator for his family will be lost: That the said Robert Flanagan has borrowed from friends, who have advanced the same to him on his own responsibility, the sum of two thousand seven hundred dollars or thereabouts, which he has applied to the purposes of the estate, and which, by reason of the said Robert Flanagan and the other children of the Testator having no other fortune or means than that derived under the will of the testator, can only be repaid out of the proceeds of the farm, and whereas the said Robert Flanagan and the executrix and the executors of the said estate have by their petition represented that if power to sell or mortgage the said homestead or farm of the Testator, free from the trusts contained in the said will and codicil to satisfy the remaining claims against the estate, were conferred on the said Robert Flanagan, he the said Robert Flanagan, would thereby be enabled to maintain and support the widow and the other children of the Testator, and also, ultimately save the homestead or part of it for his own use, and have prayed that such power should be granted to the said Robert Flanagan by the Legislature, and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to R.
Flanagan to

1. The said Robert Flanagan is hereby empowered from time to

to time to sell and convey the homestead of the said John Flanagan in the said will and codicil mentioned, or any part thereof, in fee simple, or for any less estate, to any person or persons, for such sum or sums of money, and upon such terms as to payment of the purchase money in cash or on credit or to be secured by mortgage of the premises sold or otherwise, as he the said Robert Flanagan may think fit.

2. The said Robert Flanagan is also hereby empowered, from time to time, to borrow or raise by mortgage or charge of the said homestead or any part thereof, any sum or sums of money he may think fit, and for that purpose to convey and assure the same in fee simple, or for any less estate, to any person or persons willing to lend such sum or sums, upon such terms as to repayment thereof, and at such rate of interest, and with and subject to such powers, provisos and conditions, including powers of sale, leasing and distress, as are usual or as he the said Robert Flanagan may think fit.

Power to Mortgage.

3. Every such sale, mortgage or charge shall be, and the purchaser, mortgagee or chargee, his heirs, executors, administrators or assigns, shall hold the land so purchased, mortgaged or charged free and absolutely discharged from the dower of the widow of the said John Flanagan, and from the trusts in the said will and codicil contained, or any of them, and from the claims of every kind of the widow and children of the Testator, or any, or either of them, under and by virtue of the said will and codicil.

Mortgagee to hold the land free from the claims of the Widow or the children of the late J. Flanagan.

4. No such purchaser, mortgagee or chargee paying or advancing any sum or sums of money to the said Robert Flanagan upon any such sale, mortgage or charge, shall be required to enquire whether any such sale, mortgage or charge is necessary for the purposes of the estate of the Testator, or to see to the application, or be responsible or answerable, to any person or persons whomsoever, for the misapplication or non-application of any sum or sums so paid or advanced; Provided always, that the purchaser or mortgagee shall be obliged to satisfy, out of the purchase money or mortgage money, any executions in the hands of the Sheriff of the united counties of Stormont, Dundas and Glengarry, against the lands of the said John Flanagan, upon judgments recorded against the said John Flanagan or against the executors or executrix of his last will and testament at the time of the passing of this Act.

Purchasers not required to see to the application of purchase money.

Proviso,—as to judgments.

5. It shall be the duty of the said Robert Flanagan to apply the purchase money arising from any such sale or sales, and the money raised by any such mortgage or charge, after payment of the expenses of this Act, and other necessary expenses in and towards satisfaction of the debts of the Testator, and of any obligations heretofore incurred or hereafter to be incurred by the said Robert Flanagan for the purposes of the Testator's estate, and in and towards the execution of the trusts of the will and codicil

Application of the money received by the sale or mortgage of the property.

codicil of the said Testator, and save to the extent of giving full validity and effect to any such sale, mortgage or charge as is by this Act authorized to be made, the rights of the persons interested under the said will and codicil shall not be affected by this Act.

Registration
of this Act.

6. This Act may be registered in the Registry Office of the County of Glengarry in the same maner and with the like effect and upon payment of the like fees as if the same had been a deed relating to the said lands; and the Registrar shall register the same upon production to, and deposit with him, of a copy thereof purporting to be printed by authority.

SCHEDULE.

DESCRIPTION OF THE LAND REFERRED TO IN THE PREAMBLE TO THIS ACT.

Those parts of lots numbered six, seven and eight, in the broken front concession, and those parts of lots numbered six, seven, eight and nine, in the first concession of the Saint Regis Indian Reservation, in the Township of Charlottenburgh, granted by patent from the Crown to the said John Flanagan, except that part thereof conveyed in his life time by the said John Flanagan to his sister Ann Mogson; also, the interest of the Testator in that part of lot number eight, in the first concession of the said Reservation, lying north of Gray's Creek, and extending to the rear of the said first concession.

CAP. CII.

An Act to enable Sullivan Caverno to convey certain lands in the County of Welland.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS Sullivan Caverno, Catharine C. Fitch, and Martha Fitch, have by their petition represented that by Indenture made the thirty-first day of October Anno Domini one thousand eight hundred and fifty seven, between Nathan Thomas Fitch of the town of Merrittville, in the county of Welland and Province of Canada, Esquire, of the first part, Sullivan Caverno of the town of Lockport, in the county of Niagara, in the State of New York, Esquire, and James Edwin Fitch of the town of Brantford, in the county of Brant, in the Province of Canada, Esquire, of the second part, for and in consideration of an intend-
ed

ed marriage between the said Nathan Thomas Fitch and Catherine Caverno, daughter of the said Sullivan Caverno, and of ten shillings, lawful money of Canada, paid by said Sullivan Caverno and James Edwin Fitch to said Nathan Thomas Fitch, the said Nathan Thomas Fitch granted, released, bargained and sold unto the said Sullivan Caverno, and James Edwin Fitch, and their heirs, all and singular, that certain tract or parcel of land and premises, situate lying and being in the town of Merrittville in the county of Welland and Province aforesaid, containing by admeasurement, five and one half acres of land be the same more or less; being composed of the south westerly part of lot number two hundred and forty-nine in the township of Thorold, and more particularly described as follows, that is to say:—Commencing at a point at the water's edge, of the river Welland, distant two chains and twenty-five links west from an oak tree and stake on the bank of the said river Welland; thence north four chains and forty-two links, more or less, to Ontario Street; thence west along the south side of said Ontario street, more or less, to the Chippawa road; thence south forty-two degrees and forty-five minutes west along the south side of said road, eleven chains and thirty-five links, more or less, to the allowance for road between the said lot two hundred and forty-nine and lot number two hundred and fifty; thence south along the east side of said road allowance, three chains and seventy links, more or less, to the south-west angle of said lot number two hundred and forty-nine at the edge of the water of the said river Welland; thence easterly along the said river Welland, following the winding thereof, more or less to the place of beginning; together with all houses, edifices, buildings, yards, fences, gardens, orchards, trees, woods, liberties, privileges and appurtenances, whatsoever; to have and to hold the said lands with the appurtenances, unto the said Sullivan Caverno, and James Edwin Fitch, in trust, to the uses following, to wit: First to the use of the said Catherine Caverno, for and during the term of her natural life, remainder to said Sullivan Caverno, and James Edwin Fitch, to support contingent remainders: Secondly, after the death of the said Catherine Caverno, to the issue of the proposed marriage, their heirs and assigns for ever, and in default of such issue, then remainder after the death of the said Catherine Caverno, to the said Nathan Thomas Fitch, his heirs, and assigns for ever: And that the said Sullivan Caverno has since the execution of the said deed, acted as sole trustee of the said conveyance to uses, and has been so regarded by all the said petitioners; and that the said petitioners are desirous to effect a sale of the said lands and tenements, and to have the proceeds of such sale invested upon the same trusts as are contained in the said deed, in such securities as may seem for the benefit of the said parties so interested, and whereas it is for the interest of the said parties, that such sale should be effected: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Certain lands
vested in S.
Caverno, to
hold upon
trust.

1. All and singular the said lands and tenements shall be and the same are hereby vested in the said Sullivan Caverno, to have and to hold the same in the like estate, as the same were hitherto held by the said Sullivan Caverno and James Edwin Fitch, upon the trusts in the said settlement contained, and upon the trusts and for the intents and purposes hereinafter contained.

Power to sell.

2. It shall be lawful for the said Sullivan Caverno, and he is hereby empowered and authorized at any time hereafter, to sell and dispose of the said estate, by private sale, for such price as he may deem expedient, either wholly for cash or partly for cash and partly upon credit, in which latter case the unpaid balance of purchase money shall be secured by mortgage upon the said lands and tenements, such mortgage to be held, and any interest thereon to be applied upon the trusts and for the purposes hereinafter declared respecting the proceeds of the said sale, and to execute, make and do all such conveyances, surrenders, assurances and acts, as may be necessary or expedient in order to effectuate such sale or sales, or to vest a perfect title in such purchaser or purchasers, and every such conveyance, surrender or assurance shall be valid and effectual notwithstanding the said settlement.

Court of Chan-
cery to appoint
receiver.

3. It shall and may be lawful for the Court of Chancery of Ontario or a Judge thereof, upon petition of any of the said parties interested, to appoint such fit and proper person, as to the said Court or Judge may seem fit to be and act as receiver of the said estate under this Act, at such annual or other remuneration as to said Court or Judge may seem just.

Payment of
purchase
money.

4. The sale of the said estate shall only be completed after such appointment and the purchaser shall pay to the said receiver such amount of purchase money as may have been agreed upon by and with the said Sullivan Caverno, to be by the said receiver held upon the trusts hereinafter declared, and upon such payment, the said receiver shall certify the said payment to the said Sullivan Caverno, by any writing under his hand, and the said Sullivan Caverno shall thereupon convey the said land to the purchaser as aforesaid; Provided that if it be agreed that any portion of such purchase money shall remain as an incumbrance on the said lands, the same shall be secured by mortgage to the receiver; And provided further that no such sale shall be made unless such Court or Judge shall first declare the upset price at which the said property or any portion thereof shall be offered.

Proviso.

Proviso.

Investment of
the proceeds
of the sale.

5. It shall be the duty of the said receiver from time to time, as soon as conveniently may be, after such sale is affected, to invest the proceeds thereof, after paying and satisfying all costs and expenses attending the said sale, in the public securities of the Dominion of Canada or at interest upon such other

other securities within this Province, as he may deem fit, with full power from time to time, to alter, vary or transpose the same as occasion may require.

6. The said receiver shall stand possessed of the said proceeds and the annual or other interest thereof, after paying all taxes, assessments, and expenses connected therewith, and the management thereof: Firstly, the said annual proceeds for the exclusive benefit of the said Catherine Caverno, now Catherine Fitch, during the term of her natural life; Secondly, within six months after the death of the said Catherine Fitch, the said receiver shall transfer, convey, and deliver to the said Martha Fitch, her executors or administrators, for the sole and absolute use of the said Martha Fitch, her heirs and assigns, all such landed and other securities as the said estate may then consist of, and for such purpose may make and execute all such transfers, conveyances, assignments and acts necessary to make valid such transfer.

Trusts upon which the proceeds of the sale are to be held.

7. In the event of the said receiver dying, or becoming incapable of further acting in the said trusts, or being guilty of any breach of trust or misconduct in relation to his office as such trustee, it shall be lawful for the Court of Chancery of this Province, upon the application of any of the parties interested in the said estate, to nominate and appoint some fit and proper person to be receiver of the same in the place of the said first appointed receiver and in like manner to appoint another in case of the death, incapacity or misconduct of such person, and, upon such appointment, the said estate, proceeds and securities shall vest in such new receiver upon the same trusts as in the same case held by the said Sullivan Caverno.

Appointment of new receiver.

8. It shall further be the duty of the said receiver or any other trustee appointed under the preceding section of this Act, to account, from time to time, as any of the parties interested may reasonably require, and such account may be taken by the Master of the said Court upon the application of any such person without any order of reference from the said court, and the said Master shall have power to adjudicate and determine upon all matters connected with the said application, subject however, to an appeal to the Court according to the ordinary practice of the Court in such matters.

Receiver to account.

CAP. CIII.

An Act to authorize the Law Society of Ontario to admit William Henry Steele as a Barrister-at-Law.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS William Henry Steele has by his petition represented, that he was in Easter Term in the year of our Lord, one thousand eight hundred and sixty-four, admitted to practice as an Attorney and Solicitor in Her Majesty's Courts of Upper Canada, after having served under articles of clerkship for five years, and has since his admission been engaged in the practice of an Attorney and Solicitor, and whereas for the reasons aforesaid, the said William Henry Steele, has prayed that an Act may be passed to enable the Law Society of Ontario to call him to the Bar of Ontario, upon passing the usual preliminary and final examinations prescribed by the said Society, and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

The Law Society to admit W. H. Steele to the degree of Barrister-at-Law on certain conditions.

1. It shall and may be lawful for the Law Society of Ontario, in their discretion, and upon payment of the usual fees therefor, at any time to call and admit the said William Henry Steele to the degree of Barrister-at-Law, and to the practice of the Law as such, on passing such preliminary and final examinations as may be prescribed by the said Society, without his compliance with any requirements or provisions of law or other rules and regulations of the said Society in that behalf, any law, custom or usage to the contrary, notwithstanding.

CAP. CIV.

An Act to Authorize the Law Society of Upper Canada to admit Daniel Brooke, Junior, as a Barrister-at-Law.

[Assented to 15th February, 1871.]

Preamble.

WHEREAS Daniel Brooke, Junior, has by his petition represented that he was in the year one thousand eight hundred and forty-eight, admitted to practice as an Attorney and Solicitor in Her Majesty's Courts of Law and Chancery for Upper Canada, (now the Province of Ontario,) at Osgoode Hall, in the City of Toronto, and has been ever since continually engaged in the practice of his profession, and whereas the said

said Daniel Brooke, Junior, acted as advocate in the County Court until the month of January one thousand eight hundred and sixty-four, when it was decided that attornies could not act as advocates in County Courts or courts of co-ordinate jurisdiction, and whereas the said Daniel Brooke, Junior, has not passed the Law Society, and whereas for the reasons aforesaid the said Daniel Brooke, Junior, has prayed that an Act may be passed to enable the Law Society of Ontario, to call him to the Bar of Ontario, upon passing the usual final examination prescribed by the said Society, and whereas it is expedient to grant the prayer of the said Petition: Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall and may be lawful for the Law Society of Ontario, in their discretion and upon payment of the usual fees therefor at any time to call and admit the said Daniel Brooke, Junior, to the degree of Barrister-at-law, and to the practice of the law as such on passing such final examination as may be prescribed by the said Society, without his compliance with any of the other requirements or provisions of law, or other rules and regulations of the said Society in that behalf, any law, custom, or usage to the contrary notwithstanding.

Law Society to admit Daniel Brooke Jr., to the degree of Barrister-at-law on certain conditions.

CAP. CV.

An Act to authorize the Courts of Queen's Bench, Common Pleas, and Chancery for Ontario, to admit John Netterville Blake to practise as an Attorney and Solicitor therein.

[Assented to 15th February, 1871.]

WHEREAS John Netterville Blake, of the City of Toronto, hath by his petition set forth, that in the year one thousand eight hundred and sixty-two, he was duly articulated to a practising Attorney and Solicitor for the term of five years, and that he served under said articles and assignments thereof for the period of three years and seven months, and that in Easter Term one thousand eight hundred and sixty-seven he passed the required examination, and was duly called to the Bar of Ontario, and that his name now remains upon the books of the Law Society of Ontario as a Barrister thereof; and that in the year one thousand eight hundred and sixty-nine, he bound himself as clerk to a practising Attorney and Solicitor for the term of one year, (being the term of service by law required of him under articles of clerkship before he could be admitted

Preamble.

admitted to practise as an Attorney and Solicitor,) and that owing to circumstances in said petition particularly set forth, he was unable to serve the said term of one year, and whereas the said John Netterville Blake is desirous of being admitted to practise as an Attorney-at-Law and Solicitor in Chancery, under the circumstances, without serving the term of one year required by law under articles of clerkship; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

J. N. Blake
to be admitted
an Attorney
and Solicitor
on certain con-
ditions.

1. That it shall and may be lawful for the Courts of Queen's Bench and Common Pleas, and the Court of Chancery for Ontario, respectively, on sufficient proof being given that the said John Netterville Blake has duly passed the examination required previous to being called to the Bar, and that he has been duly called to the Bar and that his name now remains upon the books of the Law Society of this Province as a Barrister thereof, to admit the said John Netterville Blake as an Attorney and Solicitor of said Courts respectively, any law or usage to the contrary notwithstanding.

1870-71.—34 VICTORIÆ.

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TO

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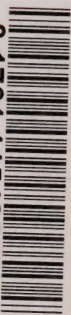
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